



CHAPTER liv.

An Act to enable the Manchester Sheffield and Lincolnshire Railway Company to make new Railways to confer further powers upon that Company the Cheshire Lines Committee and the North Wales and Liverpool Railway Committee to make further provision with reference to a Joint Station at Nottingham with the Great Northern Railway Company to alter the name of the Company to provide for the conversion of the Company's Ordinary Stock and for other purposes. [3rd June 1897.]

A.D. 1897.

WHEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Company") should be authorised to construct the railways deviation of railway and other works herein-after described and to abandon a portion of the Railway No. 7 authorised by the Manchester Sheffield and Lincolnshire Railway Act 1895 (herein-after called "the Act of 1895"):

And whereas it is expedient that the times limited by several Acts relating to the Company the Cheshire Lines Committee the Liverpool and North Wales Railway Committee and the Wrexham Mold and Connah's Quay Railway Company for the compulsory purchase of lands and the completion of railways should be further extended and that further powers as in this Act mentioned should be conferred on those companies and committees:

And whereas it is expedient that the time limited by section 37 of the Manchester Sheffield and Lincolnshire Railway Act 1894 (herein-after called "the Act of 1894") for the sale of the superfluous lands of the Company should be extended and that further provision should be made with reference thereto:

And whereas it is expedient that the Railway No. 2 herein-after authorised and the capital to be raised for the purposes thereof

A.D. 1897. — should be formed into a separate undertaking in manner and upon the terms and conditions herein-after set forth :

And whereas the said Railway No. 2 will form a junction between the Extension to London Railway of the Company and the railways of the Great Western Railway Company (in this Act referred to as "the Great Western Company") and will by affording improved means of communication and facilities for the exchange of traffic between the systems of those companies be of public advantage and it is expedient that provisions should be made as contained in this Act for ensuring the completion of the said Railway No. 2 :

And whereas it is expedient that the Company should be authorised to take and hold for the purposes of their undertaking the lands herein-after described in the county of Nottingham and the county of the town of Nottingham respectively :

And whereas it is expedient that provision to the effect herein-after set forth should be made for constituting the Company's station at Nottingham of which the Great Northern Railway Company are in terms of an agreement dated the thirtieth day of January one thousand eight hundred and ninety-two between the Company and that company scheduled to the Manchester Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 (herein-after called "the Extension to London Act") entitled to become joint owners with the Company into a separate undertaking and for raising a separate capital for the purposes of such separate undertaking and for the working management and use of the said station by the two Companies jointly and also for the incorporation of a joint committee for the administration and management of the joint station and for enabling the Company or the said two Companies jointly or severally to guarantee or otherwise secure the payment of an annual rent for the use of the said station or of dividends or interest on such separate capital :

And whereas part of the ordinary stock of the Company has under the provisions of the Regulation of Railways Act 1868 been divided into preferred and deferred ordinary stock and it is expedient and would be an advantage to the Company if the whole of the ordinary stock of the Company now created but not so divided or hereafter to be created were also divided so that instead of three classes of ordinary stock there shall be two classes only viz. preferred ordinary and deferred ordinary stock as herein-after provided :

And whereas it is expedient that the Company should be authorised to raise as herein-after provided such further capital as may be necessary for the several purposes by this Act authorised :

And whereas it is also expedient that the name of the Company should be altered : A.D. 1897.

And whereas plans and sections showing the lines and levels of the railways deviation and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act and plans of the other lands by this Act authorised to be taken compulsorily with books of reference thereto were duly deposited with the respective clerks of the peace for the county of Nottingham the county of the town of Nottingham the county of Northampton the counties of Oxford Derby Leicester and Warwick and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Great Central Railway Act Short title. 1897.

PART I.—PRELIMINARY.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.

Part II.—New works &c.

Part III.—Extensions of time.

Part IV.—Joint passenger station at Nottingham.

Part V.—Railway No. 2 separate undertaking.

Part VI.—Capital.

Part VII.—Provisions as to Company's ordinary capital.

Part VIII.—Change of name.

Part IX.—Miscellaneous.

Division of
Act into
parts.

3. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to the construction of a railway) Part II. (relating to extension of time) of the Railways Clauses Act 1863 and the Companies Clauses Act 1863 as amended by any subsequent Acts are except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of Acts.

A.D. 1897.

Applying
certain pro-
visions of
Companies
Clauses
Acts.

4. Subject to the provisions of this Act the clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—
 The distribution of the capital of the Company into shares ;
 The transfer or transmission of shares ;
 The payment of subscriptions and the means of enforcing the payment of calls ;
 The forfeiture of shares for non-payment of calls ;
 The remedies of creditors of the Company against the shareholders ;
 The borrowing of money by the Company on mortgage or bond ;
 The conversion of the borrowed money into capital ;
 The consolidation of the shares into stock ;
 The general meetings of the Company and the exercise of the right of voting by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special Act by all parties interested ;
 and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpreta-
tion.

5. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression—

“ The Company ” means the Manchester Sheffield and Lincolnshire Railway Company ;

“ The railway ” and “ the railways ” mean the railways and other works by this Act authorised ;

“ The Act of 1866 ” means the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866 ;

“ The Act of 1888 ” means the Manchester Sheffield and Lincolnshire Railway (New Railways) Act 1888 ;

“ The Act of 1893 ” means the Manchester Sheffield and Lincolnshire Railway Act 1893 ;

“ The Extension to London Act ” means the Manchester Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 ;

“ The Act of 1894 ” means the Manchester Sheffield and Lincolnshire Railway Act 1894 ;

“The Act of 1895” means the Manchester Sheffield and Lincolnshire Railway Act 1895; A.D. 1897.

“The plans of 1891” means the plans deposited with reference to the Extension to London Act;

“The plans of 1893” means the plans deposited with reference to the Act of 1894;

And for the purposes of this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

PART II.—NEW WORKS &c.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and deviation railway and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways and deviation railway herein-before referred to and authorised by this Act are—

Power to
make rail-
ways.

A Railway (No. 1) two furlongs three chains or thereabouts in length situate wholly in the parish of Chesterfield in the county of Derby commencing at a point on the north side of Hollis Lane Chesterfield in the centre of the gateway leading to the Broad Oaks Iron Works of Messieurs Markham and Company Limited and terminating by a junction with the Company's Chesterfield and Heath Branch Railway at a point on that railway distant three and a half chains or thereabouts measured in a south-easterly direction along that railway from the centre of the Lancashire Derbyshire and East Coast Railway where that railway crosses the railway viaduct of the Company :

A Railway (No. 2) eight miles three furlongs nine chains or thereabouts in length situate in the counties of Northampton and Oxford commencing by a junction with the Extension to London Railway of the Company now in course of construction in the parish of Eydon in the county of Northampton at a point one hundred and ten yards or thereabouts measured in a south-easterly direction along that railway from the centre of the occupation bridge under that railway situate in a field numbered nine in the said parish on the Ordnance map of

A.D. 1897.

Northampton (scale $\frac{1}{2500}$) and terminating by a junction with the Oxford and Birmingham Branch of the Great Western Railway in the parish of Warkworth in the county of Northampton at a point one hundred yards or thereabouts measured along the said branch railway in a northerly direction from the centre of the bridge carrying the road from Banbury to Grimsbury Mill over the said branch railway:

A deviation of Railway No. 7 authorised by the Act of 1895 one mile four furlongs and four and three-quarter chains or thereabouts in length wholly in the parish of Gotham in the county of Nottingham commencing by a junction with the said authorised Railway No. 7 at or near a point marked seven furlongs upon the plans of that railway deposited in the month of November one thousand eight hundred and ninety-four with the clerk of the peace for the county of Nottingham with reference to the Act of 1895 and terminating at the point on the said deposited plans as the termination of the said Railway No. 7.

Power to cross certain roads on the level.

7. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the Railway No. 1 and the deviation railway by this Act authorised carry the same with a single line only whilst those railways shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.
		RAILWAY NO. 1.
2	Chesterfield - - -	Public.
		DEVIATION RAILWAY.
30	Gotham - - -	Public.
41A	Gotham - - -	Public.

Abandonment of portion of Railway No. 7.

8. The Company shall abandon so much of the said Railway No. 7 as is rendered unnecessary by the construction hereby authorised of the deviation of that railway.

Compensation for

9. The abandonment by the Company under the authority of this Act of the said portion of the Railway No. 7 shall not prejudice

or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1895.

A.D. 1897.
—
damage to
land by
entry &c.
for purposes
of portion of
railway
abandoned.

10. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portion of Railway No. 7 authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of such purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensa-
tion to be
made in
respect of
portion of
railway
abandoned.

11. Subject to the provisions of this Act the Company may in the line and according to the levels shown upon the deposited plans and sections make and maintain the new streets or roads herein-after described viz. :—

Power to
make new
roads or
streets.

In the county of the town of Nottingham—

- (1) A new street in substitution for the road diversion in the parish of St. Mary Nottingham shown upon sheets 5 and 5B on the plans of 1891 (Railway No. 1) commencing by a junction with Melbourne Street in the town of Nottingham at a point one chain or thereabouts measured in a northerly direction from the junction of Peachey Street with Melbourne Street and terminating in the said parish of St. Mary at the junction of St. Ann's Street with Windsor Street :
- (2) A new street commencing by a junction with the New Street No. 1 before described at or near the junction of Brunswick Street with William Street and terminating by a junction with Glasshouse Street at or near the junction of Milk Street with Glasshouse Street :

A.D. 1897. And the Company shall abandon the road diversions in the parish of St. Mary Nottingham shown upon sheets 5 and 5B on the plans of 1891 (Railway No. 1).

Power to
divert and
alter roads
as shown on
deposited
plans.

12. Subject to the provisions of this Act the Company may divert and alter the public roads and paths herein-after mentioned to the extent and in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road or path is made to the satisfaction of two justices and is open for public use the Company may stop up and cause to be discontinued as a road or path the whole or so much of the existing road or path shown on the deposited plans as will be rendered unnecessary by the new portion of road or path (that is to say) :—

In the county of the town of Nottingham—

Brunswick Street and Cairns Street in the parish of St. Mary Nottingham :

In the county of Leicester—

- (1) A public footpath in the parish of Barrow-upon-Soar passing along the north-western fence of the field numbered 54 in that parish on the plans of 1891 (Railway No. 1) commencing at a point on that path one chain or thereabouts measured in a northerly direction along that path from the centre line of the railway where it crosses that path and terminating at a point on that path 10·5 chains or thereabouts measured along that path in a southerly direction from the said point of crossing of the centre line of the said railway :
- (2) A public footpath in the parish of Barrow-upon-Soar passing along the southern fence of the plantation numbered 52 in that parish on the plans of 1891 (Railway No. 1) commencing at a point in that path 1·5 chains or thereabouts measured in a westerly direction along that path from the centre line of the railway where it crosses that path and terminating at a point in that path 12·5 chains or thereabouts measured along that path in an easterly and southerly direction from the said point of crossing of the centre line of the railway :
- (3) A public footpath leading from Dunton Bassett to Ashby Magna in the parish of Ashby Magna passing through the fields numbered 30 and 32 in that parish on the plans of 1891 (Railway No. 2) commencing at a point on that footpath 1·5 chains or thereabouts measured along that path in a westerly direction from the centre line of the railway where it crosses that footpath and terminating at a

point in that path fourteen chains or thereabouts measured along that path in an easterly direction from the said point of crossing of the centre line of the said railway :

A.D. 1897.

In the county of Leicester and county of the borough of Leicester—

- (4) A public footpath in the parish of Leicester Abbey passing along the south side of the southern fence of the field No. 14 in that parish on the plans of 1891 (Railway No. 1) commencing at the junction of that path with the public road known as Abbey Lane in that parish and terminating at a point on the same path 1·5 chains or thereabouts measured in a south-westerly direction along that path from the centre line of the railway where it crosses that path :

In the county of Warwick—

- (5) A public right of way leading from Clifton-upon-Dunsmore to Brownsover passing through the field numbered 7 in the parish of Brownsover on the plans of 1893 (Deviation Railway No. 2) commencing at a point on that right of way five chains or thereabouts measured along that right of way in an easterly direction from the centre line of the railway where it crosses that right of way and terminating at a point on that right of way six chains or thereabouts measured along that right of way in a westerly direction from the said point of crossing of the centre line of the said railway :
- (6) A public footpath in the parish of Brownsover passing through the fields numbered 7 and 8 in that parish on the plans of 1893 (Deviation Railway No. 2) commencing at a point on that path half a chain or thereabouts measured along that path in an easterly direction from the centre line of the railway where it crosses that path and terminating at a point on that path 13·5 chains or thereabouts measured along that path in a south-westerly direction from the said point of crossing of the centre line of the said railway :
- (7) A footpath in the parish of Willoughby commencing by a junction with the existing public footpath where it joins the public road from Dunchurch to Daventry at a point two hundred and seven yards or thereabouts measured in a south-easterly direction along that road from the intersection of that road with the public road leading from Willoughby to Barby and terminating by a junction with the said road leading from Willoughby to Barby at a point two hundred and ninety yards or thereabouts measured along that road in an easterly direction from the point of intersection before described,

A.D. 1897.

Appropriation of sites of roads &c. stopped up.

13. When and so soon as each of the said roads or paths or any part thereof is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railways appropriate and use for the purposes of their undertaking the site of the roads or paths stopped up so far as the same are bounded on both sides by the lands of the Company.

Power to Company to acquire lands for general purposes.

14. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking all or any of the lands hereinafter mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say):—

County of Nottingham—

Certain lands in the parish of Kirkby-in-Ashfield adjoining the railway of the Company belonging or reputed to belong to the Reverend Thomas Woodman:

County of the town of Nottingham—

Certain lands houses and buildings situate on the eastern side of Melbourne Street in the parish of St. Mary between Bywell Street and Charlotte Street;

Certain lands houses and buildings situate on the eastern side of Glasshouse Street in the said parish of St. Mary between Milk Street and Howard Street.

New railways form part of Company's undertaking.

15. The railways and works by this Act authorised shall for all purposes be deemed to be part of the Company's undertaking.

Imposing penalty unless railways opened within the time limited.

16. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the supreme court in the bank specified in such warrant or order and shall not be paid

thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railways by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

A.D. 1897.

17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Providing for application of penalty.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

19. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

A.D. 1897.

Period for
completion
of works.

20. If the railways and deviation railway be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as may be then completed.

Power to
Great
Northern
Railway
Company
to run over
Railway
No. 1.

21. The Great Northern Railway Company shall have and may exercise over the Railway No. 1 by this Act authorised the same running and other powers rights and privileges as are conferred on that Company by section 10 of the Manchester Sheffield and Lincolnshire Railway Act 1889 and by section 8 of the Manchester Sheffield and Lincolnshire Railway Act 1890 and the said sections shall be read and construed accordingly.

For the
protection
of the
corporation
of Notting-
ham.

22. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Nottingham (in this section called "the corporation") shall unless otherwise agreed in writing between the corporation and the Company have effect (that is to say) :—

- (1) In this section the expression "railways" means the railways and works which the Company are by this Act authorised to construct in or near the borough of Nottingham and the expression "street" has the same meaning as that assigned to it by the Public Health Act 1875 :
- (2) The Company shall not break up any street or interfere with any sewer drain or watercourse or any gas water or electric lighting mains pipes conductors or apparatus of the corporation until they shall have given to the town clerk of Nottingham seven clear days' notice in writing of their intention to commence the intended works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers drains watercourses gas water and electric lighting mains pipes conductors and apparatus proposed to be interfered with :
- (3) The Company shall construct the new streets (1) and (2) by this Act authorised in a line within the limits of deviation to be approved of by the corporation and of a uniform width throughout of not less than forty feet and shall sewer level kerb pave flag and channel the same to the satisfaction of the engineer of the corporation and such new streets shall be kept in repair by the Company to the satisfaction of the engineer of the corporation for a period of two years :
- (4) The level of any street in the borough crossed or interfered with by the railway shall not be raised or lowered beyond

the extent shown on the deposited sections without the consent of the corporation and the Company shall not so far as the levels of such streets are concerned take advantage of the provisions of the Railways Clauses Consolidation Act 1845 with respect to vertical deviation from the levels shown on the deposited sections :

- (5) The parapets of the said bridges carrying the railways over streets or the streets over railways shall be at least six feet in height from the level of the rails or the streets as the case may be throughout the entire crossing of the streets :
- (6) The Company or Joint Station Committee shall make and maintain a footbridge of not less than fifteen feet in width between the parapets across the Nottingham Joint Station for the free use of the public at all times and such bridge shall be in the line shown on the plan signed by Arthur Brown on behalf of the corporation and by Edward Parry on behalf of the Company and such footbridge shall at the west end thereof be of the same level as the ground level in front of the main entrance to the station in Mansfield Road and of the same level at the eastern end thereof as the new street (in continuation of Glasshouse Street) at the point of junction with the footbridge and such footbridge may have a rise not exceeding three feet between the extreme end of the bridge and the points of support by the station buildings but the gradient of such footbridge shall not exceed 1 in 20 in any part thereof and such bridge shall be constructed with proper parapets and approaches and the whole constructed to the reasonable satisfaction of the engineer of the corporation :
- (7) The Company shall construct a passenger entrance (with such accommodation as the Company shall deem to be sufficient) to the Nottingham Joint Station from Parliament Street at or about the position shown on the above-mentioned plan such entrance to be under the control of the Company or Joint Station Committee having regard to the proper working of the station :
- (8) The Company shall pay to the corporation the sum of four thousand seven hundred pounds in respect of the expenses to be incurred by the corporation in altering the levels of any streets interfered with by the construction of the authorised new street from York Street to Windsor Street and in respect of the value of the land of the corporation to be given up for the site of such new street and in respect of any damage to the remaining property of the corporation consequent upon such alteration of level and for depreciation of any property owned

A.D. 1897.

by the corporation in Cairns Street Brunswick Street and William Street consequent upon the closing of such streets or any of them or any part thereof:

- (9) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 shall subject to the provisions of this Act extend and apply to the water and gas mains pipes and apparatus of the corporation and whenever in these sections the words "company" and "society" are used the same shall for the purposes of this section be held to extend to and include the corporation:
- (10) Whenever it may be necessary to intercept or interfere with any sewer or drain the Company shall before intercepting or interfering with such sewer or drain construct according to a plan to be reasonably approved of by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by the corporation at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved by the corporation:
- (11) Whenever the water gas or electric lighting mains pipes conductors or apparatus of the corporation shall be severed or interfered with in the execution of any of the powers of this Act and whenever it is necessary for maintaining the supply of water gas or electricity to lay down additional mains pipes or conductors such additional mains pipes or conductors (of the same size and description as those previously in use) shall previous to the severance or interference be laid down by the corporation at the expense of the Company:
- (12) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in altering any existing sewer drain gas water or electric lighting main or conductor or apparatus the Company shall repay to the corporation such additional cost:
- (13) In case it shall be necessary to construct the railways over any sewer drain gas water or electric lighting main or conductor of the corporation provision shall be made to the satisfaction of the corporation for protecting such sewer drain gas water or electric lighting main or conductor from injury and for affording easy access thereto for the purpose of examination alteration renewal or repair:
- (14) The flags paving stones and other materials in any road or street in the borough which shall be stopped up or diverted or

interfered with by the Company in the execution of the works by this Act authorised shall remain and be the property of the corporation and may be used as far as the borough engineer may consider practicable without payment in the construction of any new street or diversion in this section mentioned :

- (15) Where the surface of any street has been interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the satisfaction of the corporation restore the surface of the street so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration :
- (16) The Company shall not permit within the borough any of their bridges or works or any of their walls parapets or screens on the street side to be used for the posting of bills or other advertising purposes except such as relate to the business of the Company :
- (17) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the president of the Institution of Civil Engineers and the costs of the reference shall be borne as such arbitrator shall direct.

23. For the protection of the mayor aldermen and burgesses of the borough of Chesterfield (herein-after in this section called "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Company have effect (that is to say) :—

For the protection of the corporation of Chesterfield.

- (1) The level crossing of Railway No. 1 over Hollis Lane shall be by one pair of rails only and the said crossing shall be properly paved with sets between the rails and for a breadth of two feet on either side thereof and shall be kept flush with the surface of the rails and the inside sets shall be laid between steel check rails not exceeding one inch in width on the crown so as to allow between the rails and the check rail a space sufficient only for the flange of the wheels of a locomotive :
- (2) The Company shall provide gates at the said crossing which shall be kept closed while the crossing is being used. On every occasion before the Company take traffic over the said level crossing flag-signalmen shall be stationed at points one hundred and twenty yards on each side of the entrance to the Board

A.D. 1897.

Oaks Iron Works belonging or reputed to belong to Markham and Company Limited and such signalmen shall warn persons in charge of vehicles or cattle proceeding in the direction of the crossing and remain for such purpose until the crossing is free for the road traffic to proceed :

- (3) The crossing of Hollis Lane shall not be occupied by railway traffic or closed for road traffic for a longer period than five minutes continuously at any one time :
- (4) The portion of Railway No. 1 which lies to the north of the River Hipper shall not be used for railway traffic except between the hours of sunrise and sunset the running of trains along the said portion of the railway shall be limited to a speed of four miles per hour and in all cases a flag-signalman shall walk in front of the train :
- (5) The Company shall if called upon by the corporation to do so erect a suitable fence along the western side of the eastern footpath of Clayton Street between the points "A" and "B" on the plan signed for the purposes of this Act by R. Lingard Monk on behalf of the Company and by John Middleton town clerk of Chesterfield on behalf of the corporation and the railway shall be laid along the eastern side of Clayton Street so far as the point marked "C" as shown on the said plan :
- (6) The Company shall erect a footbridge five feet wide on the north side of the River Hipper and divert the existing footpaths leading to the bridge as shown on the said plan :
- (7) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain of the corporation the Company shall before interrupting or interfering with such existing sewer or drain construct to the reasonable satisfaction of the corporation another sewer or drain with necessary manholes and lampholes in lieu of and of equal capacity to the sewer or drain so proposed to be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with to the reasonable satisfaction of the corporation and before interrupting or interfering with such existing sewer or drain the Company shall give to the corporation seven days' notice thereof in writing :
- (8) If by reason of the execution of any of the works by this Act authorised within the said borough the corporation shall necessarily incur any expense or cost in altering any existing sewer or drain or any manhole or lamphole connected therewith the Company shall repay to the corporation such expense or cost and where the level of any road or land in the borough

in which there is any existing manhole or lamphole connected with any sewer shall be raised such existing manhole or lamphole shall be brought up to the level of such road or land by the Company when the level thereof is raised :

- (9) The Company shall from time to time and at all times during the construction and after the completion of the works allow the corporation and their officers and servants access to any sewer or drain or any manholes or lampholes connected therewith vested in the corporation in or under any land or works of the Company for the purpose of inspecting or repairing the same or connecting any new sewer or drain with the existing sewers or drains subject to such reasonable regulations as the Company may prescribe for preventing any injury to and interference with the railway and works of the Company or the traffic thereon :
- (10) All works to be made and executed by the Company in pursuance of the provisions of this section shall be made and executed by them at their sole costs and expenses in all respects and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the borough and according to plans and specifications to be previously submitted to and reasonably approved of by him before any of the works are commenced :
- (11) If any difference arise between the corporation and the Company touching anything to be or not to be done under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be binding on both parties and the costs of the arbitration shall be borne as he shall direct.

24. For the protection of the Great Western Railway Company (herein-after called "the Great Western Company") the following provisions shall unless otherwise agreed between the Company and the Great Western Company have effect (that is to say) :—

For the protection of the Great Western Railway Company.

- (1) The junction of Railway No. 2 with the railway of the Great Western Company shall be constructed in such position being not more than eighteen chains northwards of the point shown on the deposited plans as to allow of the construction of exchange sidings of suitable extent between the junction and the Great Western Railway bridge numbered 10 on the deposited plans in the parish of Warkworth and according to plans and sections to be approved in writing by the principal engineer of the Great Western Company or in the event of difference by an arbitrator to be appointed as herein-after provided and should it be necessary in constructing the said

A.D. 1897.

railway or in connexion with the construction thereof for the Great Western Company to alter or remove the telegraph posts or wires on or connected with their said railway the Company shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal and of restoring the same to their former or placing them in different positions or of substituting other telegraph posts or wires therefor :

(2) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the Railway No. 2 by this Act authorised on the land of the Great Western Company adjacent to the railway of that company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company or their contractors with reference thereto or otherwise :

(3) In constructing the Railway No. 2 by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any obstruction or interference with the said railway of the Great Western Company so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue :

(4) Except for the purpose of constructing maintaining and using the Railway No. 2 by this Act authorised in accordance with the provisions of this Act and the necessary exchange sidings connected therewith the Company shall not under the powers of this Act take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any works thereof further or otherwise than is necessary for the construction maintenance or user of the railway authorised without the consent in writing in every

instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and the Great Western Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment:

A.D. 1897.

- (5) The Great Western Company may at their own expense at any time or times hereafter should it be necessary for them to do so alter or remove the junction by this Act authorised with their railway and substitute a new junction therefor but not so as to move it further north or to sharpen the curve at the junction and so that such alteration or removal or substituted junction shall not stop the traffic of the railway so interfered with and by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith:
- (6) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the Board of Trade the costs of such arbitration to be in the discretion of such arbitrator.

PART III.—EXTENSIONS OF TIME.

25. The time limited by the Extension to London Act for the completion of the Railways Nos. 1 2 3 4 5 6 7 8 11 12 16 and 17 and the widenings Nos. 1 and 2 authorised by that Act and described in section 5 thereof is hereby extended for three years from the twenty-eighth day of March one thousand eight hundred and ninety-eight and on the expiration of that period the powers for the execution of the said railways and widenings shall cease.

Extension of time for completion of certain railways authorised by the Extension to London Act.

26. The time limited by the Extension to London Act for the completion of the roads Nos. 1 2 3 4 and 5 authorised by that Act

Extension of time for completion of

A.D. 1897.
—
certain roads
authorised by
the Extension
to London Act.

and described in section 10 thereof is hereby extended for three years from the twenty-eighth day of March one thousand eight hundred and ninety-eight and on the expiration of that period the powers of the Company in respect of the said roads shall cease.

Extension of
time for
completion
of certain
works autho-
rised by Act
of 1883.

27. The time limited by section 31 of the Act of 1894 for the completion of the works authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 and described in subsections 8 and 9 of section 4 of that Act is hereby extended for a period of three years from the second day of August one thousand eight hundred and ninety-seven and on the expiration of that period the powers of the Company with respect to the said works shall cease.

Extension
of time for
completion
of Wirral
Railway
works.

28. The time limited by the Act of 1895 for the completion of the railways authorised by the Wirral Railway Certificate 1883 (other than the railways and portion of railway by the Wirral Railway Act 1888 directed to be abandoned) and also of the railways authorised by the Wirral Railway Act 1884 the Wirral Railway Act 1885 and the Wirral Railway Act 1888 (other than the Railway No. 6 authorised by the Wirral Railway Act 1885 and by the Wirral Railway Act 1888 directed to be abandoned) and the Wirral Railway Act 1890 is hereby further extended for a period of two years from the first day of July one thousand eight hundred and ninety-seven and on the expiration of that period the powers for the execution of the said railways shall cease.

Extension
of time for
completion
of railways
authorised
by Cheshire
Lines Act
1890.

29. The time limited by section 57 of the Act of 1895 for the completion of the railways described in section 8 of the Cheshire Lines Act 1890 is hereby further extended for a period of two years from the twenty-fifth day of July one thousand eight hundred and ninety-seven and on the expiration of that period the powers of the Company for the completion of the said railways shall cease.

Extension
of time for
forming
junctions
with the
London and
North
Western
Railway
near
Connah's
Quay.

30. The time limited by section 56 of the Act of 1895 for the exercise of the powers granted to the Wrexham Mold and Connah's Quay Railway Company (in this section called "the Wrexham Company") to form junctions with the London and North Western Railway near Connah's Quay in the county of Flint authorised by subsections 8 and 10 of section 4 of the Wrexham Mold and Connah's Quay Railway Act 1882 is hereby further extended and such powers may be exercised by the Wrexham Company for and during a period of two years from the fifth day of July one thousand eight hundred and ninety-seven and on the expiration of that period those powers shall cease.

31. The time limited by section 35 of the Manchester Sheffield and Lincolnshire Railway Act 1896 for the widening and improvement of the main line of the Company between Gorton and Hyde Junction authorised by the Act of 1866 and described in subsection (1) of section 4 thereof is hereby extended for two years from the fourteenth day of June one thousand eight hundred and ninety-seven and on the expiration of that period the powers to execute the said works shall cease.

A.D. 1897.
Extension of time for widening main line between Gorton and Hyde Junction.

32. The time limited by section 54 of the Act of 1895 for the compulsory purchase of lands and for the completion of the Railways Nos. 2 3 4 and 5 authorised by the Act of 1888 and described in section 5 of that Act is hereby further extended for two years from the fifth day of July one thousand eight hundred and ninety-seven and on the expiration of that period the powers of the Company for such compulsory purchase and for the completion of the said railways shall cease.

Extension of time for purchase of lands and completion of certain railways authorised by Act of 1888.

33. The time limited by the Act of 1894 for the compulsory purchase of lands for Railway No. 2 authorised by that Act and described in section 4 thereof is hereby extended for a period of two years from the twentieth day of July one thousand eight hundred and ninety-seven and on the expiration of that period the powers for such compulsory purchase shall cease.

Extension of time for purchase of lands for Railway No. 2 authorised by Act of 1894.

34. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with their railway and situate in the parishes respectively described or mentioned in the schedule to this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of those respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Extending time for sale of certain superfluous lands.

PART IV.—JOINT PASSENGER STATION AT NOTTINGHAM.

35. For the purpose of carrying into effect the provisions contained in the recited agreement dated the thirtieth day of

Joint passenger

A.D. 1897.

station at
Nottingham.

January one thousand eight hundred and ninety-two between the Great Northern Railway Company (in this Part of this Act called "the Great Northern Company.") and the Company (in this Part of this Act referred to as "the two Companies") the capital to be raised for the purpose of the construction of a joint passenger station at Nottingham for the use of the two Companies and the works and conveniences of the said station with all lands buildings and property purchased or to be purchased for the purposes thereof (all of which are included in the expression "the joint station" where used in this Act) shall form a separate undertaking of those Companies distinct and apart from the rest of their respective undertakings and shall be called "the Nottingham Joint Station" and shall be vested in the joint committee by this Act constituted.

Joint under-
taking to be
managed by
a committee.

36. Within one month from the passing of this Act a committee shall be appointed as herein-after provided and the persons for the time being constituting such committee are hereby united into a corporation for the purpose of carrying into effect the provisions of the recited agreement made between the two Companies and of this Act so far as they relate to the joint station and in performing the duties for the time being of that committee by the name of "the Nottingham Joint Station Committee" (in this Part of this Act called "the committee") and by that name shall be a body corporate with perpetual succession and a common seal and with powers to purchase take hold and dispose of lands and other property.

Constitution
of committee.

37. Within one month from the passing of this Act the directors of the Company shall nominate and appoint in writing under the hand of their chairman or secretary three persons and the directors of the Great Northern Company in like manner shall nominate and appoint three persons and such six persons shall form the committee and they shall remain in office for one year and their places shall be filled or they may be re-appointed by the same means by which the original appointments were made and all the powers vested in the two Companies by this Act may be exercised by them in the name of the committee and in that event for the purposes of this Act the expression "the promoters of the undertaking" in the Lands Clauses Consolidation Act 1845 and the expression "the company" in the Railways Clauses Consolidation Act 1845 shall mean and apply to the committee.

As to
vacancies in
committee.

38. The two Companies respectively may in like manner at their pleasure remove the members of the committee so appointed by them respectively and may in like manner respectively fill up the vacancies occurring among such members by removal death or resignation.

39. No act of the committee shall be invalid or illegal by reason only of any irregularity in the appointment of any member of the committee.

A.D. 1897.

Acts of committee not to be invalidated.

40. The committee shall hold their meetings at such place as they from time to time determine and four members being two of the representatives of each Company shall be a quorum thereof and a chairman shall be elected for each meeting and chairmen shall unless otherwise unanimously agreed at the meeting be chosen alternately from the members severally representing the two Companies and the representatives of each of the two Companies shall only have one vote amongst them and the chairman shall not have a casting vote.

Meetings of committee.

41. There shall be a standing arbitrator to determine questions arising between the representatives of the two Companies on the committee.

Standing arbitrator.

42. The first standing arbitrator shall be appointed by the majority of the committee and he shall subject to the provisions of this Act continue in office for one year from his appointment and each of his successors appointed as in this Act provided shall continue in office for one year from the time of his appointment unless in any case the office is sooner vacated by death incapacity to act resignation removal absence from the United Kingdom or otherwise.

First standing arbitrator.

43. On a vacancy happening in the office of standing arbitrator by expiration of term of office death incapacity to act resignation removal absence from the United Kingdom or otherwise the committee shall failing agreement as soon as possible apply to the Board of Trade who shall appoint some person to be the standing arbitrator and the first or any succeeding arbitrator going out of office otherwise than by removal shall be capable of reappointment.

Appointment of succeeding standing arbitrators.

44. If any difference arises at a meeting of the committee then on the request of the representative or representatives of either of the two Companies present at such meeting delivered to the secretary of the committee within ten days after such meeting the same shall be referred to the standing arbitrator.

References to standing arbitrator.

45. The decision of the standing arbitrator shall in all cases be final and binding on the committee and on the two Companies.

Decisions to be final.

46. The standing arbitrator shall nevertheless on the request of the committee or of the Board of Directors of either of the two Companies review any previous decision of himself or of any former arbitrator but any alteration of any such decision shall have a

Review of decisions.

A.D. 1897. prospective operation only and shall not affect anything done or suffered under the decision reviewed.

Appointment of officers.

47. The committee may appoint remunerate and at their pleasure remove such officers clerks and servants as they may deem needful for the purposes for which they are constituted and they shall cause proper books of account to be kept containing accurate statements of the receipts and expenditure in respect of the joint undertaking and of the traffic thereon as well as books in which shall be entered the minutes of all proceedings at every meeting of such committee.

Joint station vested in committee but to be completed by Company.

48. Upon the appointment of the committee the joint station in its then state of construction and all lands and property acquired therefor shall vest in the committee and all lands and property required for the completion thereof shall be acquired and the station shall be completed by the Company under the powers in that behalf of the Act of 1893 and the Act of 1895 as agents for the committee in accordance with plans and specifications agreed on between the two Companies.

All lands for joint station to vest as acquired in committee.

49. All lands and property acquired for the purposes of the joint station after the appointment of the committee shall vest in the committee as part of the separate undertaking.

Cost of station to be paid by two Companies equally.

50.—(1) All expenses incurred or to be incurred for and in relation to the acquisition of such lands and property and the construction of the joint station shall be borne equally by the two Companies.

(2) The amount of such expenses shall be certified monthly by the respective general managers of the two Companies and the Great Northern Company shall forthwith after such expenses shall have been so certified pay to the Company a moiety of the same.

On completion of station account of expenditure to be made out &c.

51. Upon the completion of the station an account shall be made up of the total expenditure incurred for and in relation to the acquisition of the lands and material therefor and in the construction thereof and any balance due on such account from one of the two Companies to the other of them shall be forthwith paid by the one of them indebted on such balance.

Committee to create and issue stock.

52. The committee shall create and issue such an amount of stock (to be called "Nottingham Joint Station stock") as shall raise a capital not exceeding one million pounds and the committee shall thereout as from time to time paid up repay to the two Companies respectively the amounts respectively paid by them together with interest thereon from the date when the said respective amounts shall have been paid by the two Companies respectively. Provided that not more than one million pounds shall

be raised by the committee under this Act or any other Act passed in the present session of Parliament. A.D. 1897.

53. The said stock shall be a first charge on the revenue of the committee and shall be entitled to a perpetual fixed dividend not exceeding four pounds per centum per annum which shall be paid half yearly by the committee in the months of February and August in every year. The two Companies shall jointly and as between themselves in equal proportions from time to time guarantee and secure in perpetuity the payment of the said fixed dividend on the said stock and shall and are hereby required from time to time to discharge any moneys they may be called on by the committee to pay in respect of such guarantee. Upon the completion of the joint station the committee shall forthwith demise the same in perpetuity to the two Companies as joint tenants thereof at an annual rent equal to the sum requisite to pay to the holders of the Nottingham Joint Station stock a dividend at a rate not exceeding four pounds per centum per annum to which such stock shall be entitled and the two Companies shall in respect of so much of the said stock as shall from time to time be paid up pay by equal moieties to the committee such sums as will enable the committee to pay to the holders of the said stock a dividend not exceeding four pounds per centum per annum on the amount so paid up and such rent shall be paid as part of the working expense of the two Companies respectively.

Two Companies to pay rent on cost of separate undertaking.

54. The said separate undertaking and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture debt or other charge on any other part of the respective undertakings of the two Companies.

Exemption of separate undertaking from liabilities affecting general undertakings of the two Companies.

55. Separate accounts shall be kept of the capital and revenue of the separate undertaking and of the payments made in respect thereof in the same form and subject to the same conditions as nearly as may be as if the separate undertaking belonged to an independent Company.

Separate accounts.

56. The directors of the two Companies may from time to time make such provision as to them seems expedient for repayment by the separate undertaking to the general undertakings of the two Companies or either of them of money expended or to be expended out of the revenue or capital of the general undertakings of the two Companies or either of them for any of the purposes of the separate undertaking.

Repayment to general undertakings of the two Companies of money spent for purposes of separate undertaking.

57. The working arrangements and general management of the joint station shall be made and conducted by the two Companies in such manner as shall be agreed on between them or as failing agreement shall be settled by arbitration.

Joint station to be managed by the two Companies,

A.D. 1897.

As to user
of separate
undertaking.

58. The two Companies severally or jointly may use the separate undertaking and every part thereof as fully to all intents and purposes as if the same formed part of the undertaking of each of the Companies.

As to
disposal of
revenue.

59. The committee shall apply the stipulated rent herein-before provided to be paid by the two Companies in payment of dividend to the holders of the Nottingham Joint Station stock in the manner herein-before provided.

As to funds
for business
of com-
mittee.

60. In order to provide funds for carrying on the business of the committee the following provisions shall apply :—

The committee shall by minute estimate the amount of moneys required by them for the above purposes and shall fix the times at which such moneys are to be paid to their bankers or treasurer and copies of every such minute signed by the chairman of the meeting at which such minute was made and by the secretary of the committee or by the arbitrator shall be sent with all convenient despatch to the respective secretaries of the two Companies and addressed to the principal offices of those Companies :

The two Companies shall at the time so fixed in the minute pay in equal moieties to the bankers or treasurer of the committee the amount specified in the minute and such moieties shall be deemed debts due from the Companies respectively to the committee from the day fixed for the payment thereof until the same shall be discharged :

If either of the Companies shall make default in such payment the same Company shall be charged by the committee and shall pay to the committee interest at the rate of five pounds per centum per annum upon the amount due from the same Company to be calculated from the day fixed for the payment until the day when the same is paid :

The committee may recover from the Company in default the moneys so due by action of debt in any court of competent jurisdiction and it shall be sufficient in any such action for the committee to produce its minute book containing the estimate on which the claim is founded and to prove that a copy of the said minute duly authenticated was sent to the secretary addressed at the principal office of the Company in default and that the sum mentioned in the said minute has not been paid.

Actions &c.
with respect
to separate
undertaking.

61. All actions suits indictments and other proceedings at law or in equity which might have been brought and prosecuted by or against either of the two Companies if that Company had been

solely authorised to exercise the powers by this Act conferred on the two Companies jointly may as regards any act or default of the committee in relation to the separate undertaking or any part thereof or the execution of this Act be brought and prosecuted by or against the committee and any summons demand writ notice or other proceeding at law or in equity or otherwise relating in any manner to the said undertaking or to any act or default of the committee shall if served on the secretary of the committee or if left at the principal office of the committee or of either of the two Companies be valid and effectual.

A.D. 1897.

62. For the purposes of the provisions of this Act so far as they relate to the joint station the following sections of the Companies Clauses Consolidation Act 1845 are incorporated with and form part of this Act and the expression "the directors" in the said sections mentioned means the committee and the expression "the company" in the one hundredth section means the two Companies or either of them :—

Certain provisions of 8 and 9 Vict. c. 16. incorporated.

Section 97 with respect to the making of contracts ;

Section 98 with respect to the entry of proceedings ;

Section 99 with respect to informalities in appointment of directors ;

Section 100 with respect to the personal liability of directors ;

Sections 101 to 108 with respect to the appointment and duties of auditors ;

Sections 109 to 114 with respect to the accountability of officers of the Company ;

Sections 124 to 127 with respect to the making of byelaws ;

Sections 142 to 160 with respect to the recovery of damages not specially provided for and penalties ; and

Sections 161 and 162 with respect to access to the special Act :

Provided always that any contract which according to the said ninety-seventh section ought to be made under seal shall be valid and effectual if made in the name of the committee under the hands and seals of the chairman of the meeting of the committee when such contract was signed and of the secretary of the committee.

PART V.—RAILWAY NO. 2 SEPARATE UNDERTAKING.

63. The Railway No. 2 and works connected therewith by this Act authorised together with all lands buildings and property to be purchased for the purposes thereof may form a separate undertaking distinct and apart from the rest of the undertaking of the Company and two hundred and twenty thousand pounds of the capital of three hundred and fifty thousand pounds by this Act authorised to be raised other than the capital for the Nottingham Joint Station

Railway No. 2 to form separate undertaking.

A.D. 1897.

shall form a separate capital and no mortgage debenture stock or liability of the Company in respect of the general undertaking shall be a charge upon or in any way affect such separate undertaking or the receipts and revenue arising from traffic passing over the same.

Terms on which stock to be issued.

64. The said amount of two hundred and twenty thousand pounds shall be called "Baubury Branch stock" and shall be issued as a separate stock entitled to a dividend not exceeding three pounds ten shillings per centum per annum and if the separate net receipts accruing in respect of the traffic upon the said separate undertaking shall not be sufficient to pay the stipulated dividend the Company shall make good the deficiency out of their mileage proportion of the through rates in respect of traffic passing on or over the separate undertaking from or to the general undertaking of the Company and the subject of the terms and conditions on which the said stock is issued shall be indorsed on the certificates of the said stock.

Working and management of separate undertaking.

65. The directors of the Company shall have the working and management of the affairs of the said separate undertaking and they and any committees appointed by them for the purposes of such undertaking shall subject to the provisions of this Act have and exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

Votes of holders of separate capital.

66. Unless it be otherwise provided by the resolution creating the same the holders of stock in the separate capital under this Act shall not be entitled to vote at meetings of the Company except in relation to matters concerning the separate undertaking.

Powers for construction of Railway No. 2 may be exercised by Great Western Railway Company in certain events.

67.—(1) If the Company shall not by the first day of December one thousand eight hundred and ninety-seven have issued and raised the capital required for the construction of Railway No. 2 and shall not in the opinion of the Great Western Company have made such substantial progress towards such construction as to afford a reasonable assurance that the said railway will be completed by the time when the authorised Extension to London Railway of the Company is completed it shall unless otherwise agreed between the Company and the Great Western Company be referred to an arbitrator to be appointed in case of difference upon the requisition of either party by the Board of Trade to inquire into the facts of the case and to determine whether or not the said capital has been issued and bonâ fide accepted and whether or not such substantial progress has been made.

(2) In the event of the Company and the Great Western Company agreeing or of the said arbitrator reporting that the said conditions have not been fulfilled by the Company then and in

any such case the Great Western Company may subject to the provisions of this Act exercise in the name and on behalf of the Company all the powers by this Act conferred upon the Company for and in relation to the construction of the said Railway No. 2.

(3) If the Great Western Company exercise the said powers they may apply to the purpose thereof to which capital is properly applicable any moneys from time to time raised by them and which are not by any of the Acts relating to the Great Western Company made applicable to any special purpose or which being so made applicable are not required for that purpose and the Company shall pay to the Great Western Company by half-yearly payments interest at the rate of three pounds ten shillings per centum per annum upon the amount which shall be certified by the engineers of the Great Western Company and the Company or in case of difference by an engineer to be appointed at the request of either Company by the President of the Institution of Civil Engineers to have been expended by the Great Western Company in or upon the construction of the said railway.

(4) Such interest shall be a first charge on the proportion of the receipts arising from the traffic passing over Railway No. 2 properly applicable to such railway and upon the Company's proportion of the receipts arising from any traffic exchanged between the Company and the Great Western Company by means of the said railway.

(5) Notwithstanding anything herein contained Railway No. 2 shall subject to the provisions of this Act be the property of and form part of the undertaking of the Company who shall be at all times responsible for the working and maintenance thereof and shall effectually maintain the said railway in good and proper repair and condition.

(6) The Company may at any time on giving six months' notice in writing to the Great Western Company in that behalf repay to the Great Western Company the amount so expended by that Company in or upon the construction of Railway No. 2 as aforesaid together with interest thereon at the rate and in manner aforesaid until payment and from and after such payment the said railway shall be free from all claims by the Great Western Company in respect of all money advanced and paid by them in or towards the construction thereof.

(7) The Company and the Great Western Company shall at their joint expense provide the necessary land for and construct and lay down thereon and thereafter maintain such sidings signals and other conveniences as may be requisite for the interchange of traffic between their respective systems at the junction near Banbury of

A.D. 1897.

Railway No. 2 with the railway of the Great Western Company or at such other point as may be agreed or in case of dispute settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

(8) If on completion of Railway No. 2 either Company shall have expended more than its own share of such joint expense in order to provide the necessary sidings signals and conveniences in the last subsection mentioned such Company shall give notice thereof to the other Company together with a certificate of their engineer showing the additional amount so expended or required to be expended and if such other Company shall dispute the necessity or amount of such expenditure and shall give notice thereof within one month of the receipt of such last-mentioned notice and certificate the matter in difference shall be determined by an engineer to be appointed on the request of either Company by the president of the Institution of Civil Engineers and the amount of such additional expenditure so agreed or determined to be necessary shall be repaid to the Company making such expenditure by the other Company together with interest thereon at the rate of three pounds ten shillings per centum per annum from the date of advance until repayment and if at any time either Company should fail to bear its share of the cost of maintenance of the said sidings junctions signals and conveniences the Company bearing such excess shall be entitled to receive interest thereon at the rate of three pounds ten shillings per centum per annum from the defaulting Company.

PART VI.—CAPITAL.

Power to
apply funds
to purposes
of Act.

68. The Company may apply for the purposes of this Act which they are empowered to carry into effect and to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage or debenture stock and which may not be required for the purposes for which the same were authorised to be raised.

Power for
the Company
to raise
additional
capital.

69. The Company may for the purposes of this Act (other than the construction of the Nottingham Joint Station) and for the general purposes of their undertaking subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole three hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not

being less than one fifth of the amount of such share shall have been paid in respect thereof. A.D. 1897.

70. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. New shares or stock to be subject to the same incidents as other shares or stock.

The capital in new shares or stock so created shall form part of the capital of the Company.

71. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

72. If any money is payable to a share or stock holder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

73. The Company may in respect of the additional capital of three hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred and sixteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that Power to borrow.

A.D. 1897. such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to create debenture stock.

74. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing mortgages to have priority.

75. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over the principal moneys secured by any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of former Acts with respect to appointment of a receiver.

76. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise money by borrowing for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

77. The mortgagees of the undertaking of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Application of moneys.

78. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of

this Act and to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable. A.D. 1897.

PART VII.—PROVISIONS AS TO COMPANY'S ORDINARY CAPITAL.

79. On and after the passing of this Act the Company may by virtue of this Act without further or other authority divide the whole of the undivided ordinary stock of the Company now or hereafter to be created including that portion of the London Extension stock of the Company which will according to the terms of the issue thereof become ordinary stock into two equal parts to be called respectively preferred ordinary stock and deferred ordinary stock notwithstanding anything to the contrary contained in subsection 2 of section 13 of the Regulation of Railways Act 1868 and the division of the said stock and the conditions attaching to the same shall except as aforesaid be in all respects subject to and in accordance with the provisions of the said section 13 of the said Regulation of Railways Act 1868. Conversion of ordinary stock.

PART VIII.—CHANGE OF NAME.

80. From and after the first day of August in the year one thousand eight hundred and ninety-seven the name of the Company shall be the Great Central Railway Company with a common seal and the provisions of Part IV. (Change of name) of the Companies Clauses Act 1863 shall apply accordingly. Change of name of Company.

PART IX.—MISCELLANEOUS.

81.—(1) The Company shall not under the powers of this Act or under the powers of any former Act extended by this Act respectively purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company— Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth days of December aforesaid or for such number of persons as the Local Government Board shall after

A.D. 1897.

inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme

under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be indorsed with notice of this enactment. Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

A.D. 1897.

(11) Any houses on any of the lands shown on the plans deposited with reference to this Act or any former Act the powers of which are extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Interest on calls not to be paid out of capital.

82. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

83. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

84. Nothing in this Act shall exempt the Company or any company to which powers are by this Act granted or the railways of the Company or of any other company from the provisions

of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels which the Company and any company to which powers are by this Act granted are authorised to take.

A.D. 1897.

85. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. .

Costs of
Act.

A.D. 1897.

SCHEDULE referred to in the foregoing Act.**SUPERFLUOUS LANDS SITUATED RESPECTIVELY IN THE PARISHES
AND COUNTIES FOLLOWING:—****LANCASHIRE.**Manchester
Ashton-under-Lyne**CHESHIRE.**Stockport
Mottram
Prestbury
Wilmslow
Mobberley
Knutsford
Holy and Undivided Trinity
Shotwick**DERBYSHIRE.**Glossop
Beighton**WEST RIDING OF THE COUNTY OF
YORK.**Penistone
Silkstone
Tankersley
Ecclesfield
Sheffield
Handsworth
Rotherham
Beighton
Aston-cum-Aughton
Todwick
Wales
Treeton
South Anston
Thorpe Salvin
Adwick-upon-Dearne
Barnby-upon-Don
Conisborough
Darfield
Doncaster
Fishlake
Kirk Sandall
Arksey

Mexborough

Royston

Hatfield

Sprotborough

Thorne

Thrybergh

Wath-upon-Dearne

Warmsworth

Greasborough

Felkirk

Wragby

Rawmarsh

Crofton

Nostel Extra Parochial

NOTTINGHAMSHIRE.

Worksop

Babworth

Ordsall

Clarborough

Sturton-le-Steeple

Bole

Saundby

Beckingham

South Leverton

North Leverton

Treswell

Rampton

LINCOLNSHIRE.

Gainsborough

Blyton-cum-Wharton

Northorpe

Kirton-in-Lindsey

Hibaldstowe

Scawby-cum-Sturton

Bigby

Wrawby

Barnetby-le-Wold

Melton Ross

Ulceby

LINCOLNSHIRE—*continued.*
 Thornton Curtis-cum-Burnham
 Killingholme
 Habrough
 Great Coates
 Little Coates
 Great Grimsby
 Clee
 Goxhill
 Stallingborough
 Healing
 Barrow-upon-Humber
 Barton St. Mary
 North Kelsey
 South Kelsey
 Middle Rasen
 Market Rasen
 Linwood
 Buslingthorpe
 Wickenby
 Snelland
 Scothern

Barlings
 Reepham
 Cherry Willingham
 Holton-le-Moor
 Greetwell
 Monk's Liberty Extra Parochial
 St. Mary-le-Wigford }
 St. Mark's } City of Lincoln
 St. Botolph }
 Boutham
 Skellingthorpe
 Torksey
 Frodingham
 Crowle
 Althorpe
 Worlaby

A.D. 1897.

COUNTY OF THE CITY OF CHESTER.

St. Oswald

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Hawarden

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