CHAP. xxxix.

An Act for conferring various powers on the Manchester, Sheffield, and Lincolnshire Railway Company, the Great Northern Railway Company, the Midland Railway Company, and the Cheshire Lines Committee; and for other purposes. [25th May 1871.]

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WHEREAS it is expedient that the Manchester, Sheffield, and Lincolnshire Railway Company (in this Act called the Sheffield Company) be empowered to take further lands for purposes of their undertaking, and that further powers in other respects be conferred on them:

And whereas the widening and enlargement of the railway authorised by the Liverpool Central Station Railway Act, 1864, would be of great local and public advantage, and it is expedient that the Cheshire Lines Committee, incorporated by the Cheshire Lines Act, 1867, in whom the powers for making that railway are now vested, be authorised to execute the same accordingly, and that further provision be made respecting the works of that railway, and respecting houses and property near to or affected by those works, and that the said Committee be empowered to acquire other lands for the purposes of their undertaking:

27 & 28 Vict. c. ccxc.

30 & 31 Vict. c. ccvii.

And whereas it is expedient that the time allowed for execution of divers works by the Cheshire Lines Committee be extended:

And whereas it is expedient that divers powers of borrowing money heretofore transferred to or vested in the Cheshire Lines Committee be extinguished, and that in lieu thereof borrowing powers be conferred on the Sheffield Company, the Great Northern Railway Company (in this Act called the Great Northern Company), and the Midland Railway Company (in this Act called the Midland Company):

And whereas it is expedient that further provision be made respecting the holding and disposal of lands belonging to the

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Sheffield Company, the Sheffield and Midland Companies jointly, the Sheffield and Great Northern Companies jointly, and the Cheshire Lines Committee respectively:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines, situations, and levels of so much of the Liverpool Central Station Railway as is proposed to be widened and enlarged, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of lands in the line of the proposed widening and enlargement, or within the limits of deviation thereof, as defined on the plans, and describing those lands, and plans showing other lands proposed to be made subject to compulsory powers of purchase, with like books of reference to those plans, have been deposited with the respective clerks of the peace for the county palatine of Lancaster, the county of Chester, and the west riding of the county of York (which are in this Act referred to as the deposited plans, sections, and books of reference):

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; (that is to say,)

Short title.

1. This Act may be cited as The Manchester, Sheffield, and Lincolnshire Railway Company and Cheshire Lines Committee Act, 1871.

Provisions of general Acts herein named incorporated.

2. The following enactments (as far as they are applicable for the purposes of and not inconsistent with this Act) are hereby incorporated with this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The Railways Clauses Consolidation Act, 1845:

Parts I. and II. of the Railways Clauses Act, 1863 (relating respectively to construction of a railway and to extension of time):

Part III. of the Companies Clauses Act, 1863 (relating to debenture stock):

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond, and the provisions of the Railway Companies Act, 1867 (relating to loan capital), so as to apply to the Sheffield, Great Northern, and Midland Companies respectively.

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Interpretation of terms.

3. With respect to the interpretation of terms in and for the purposes of this Act, the following provisions shall have effect; (namely,)

In this Act "the Sheffield Company" means the Manchester, Sheffield, and Lincolnshire Railway Company:

In this Act "the Great Northern Company" means the Great Northern Railway Company:

In this Act "the Midland Company" means the Midland Railway Company:

Terms to which meanings are assigned in any enactment incorporated with this Act, or which have therein special meanings, have in this Act the same meanings:

In this Act, and in any enactment incorporated with this Act, the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute, and the term "superior courts" shall be taken to include courts of competent jurisdiction within the meaning of this Act.

Power for Sheffield Company to take lands.

4. The Sheffield Company may enter on, take, and use such of the lands delineated on and described in the deposited plans and books of reference, being situate in the several parishes of Penistone and Rotherham in the west riding of the county of York, as they require for purposes of their undertaking; provided, nevertheless, it shall not be lawful for the said Sheffield Company, without the consent of the local board of the township of Penistone aforesaid, to stop up or appropriate the site of the footpath which now passes through the lands numbered 1 in the parish of Penistone in the said deposited plans, except only so far as may be necessary to carry the railway and works of the said Sheffield Company over the said footpath by means of a bridge or archway, such bridge or archway to be of the same dimensions as and adjoining to the bridge or archway now constructed and carrying the existing railway and works of the said Sheffield Company over other part of the said footpath.

Powers for compulsory purchases limited.

5. The powers of the Sheffield Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Closing of part of Manchester, &c. Canal.

6. The Sheffield Company may close and fill up so much of the Islington branch of the Manchester, Ashton-under-Lyne, and Oldham Canal as adjoins the works and property of Messieurs Molyneux and Webb in the parish of Manchester, or any part thereof, and may abandon the use for purposes of that canal of the

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part so closed and filled up, and on the same being so closed and filled up all rights of navigation, and all other rights and privileges (if any) connected therewith, shall by virtue of this Act absolutely cease and be extinguished, and the Sheffield Company may appropriate and use the site thereof for other purposes of their undertaking.

Agreements with corporation of Lincoln, &c.

7. The Sheffield Company on the one hand, and the mayor, aldermen, and citizens of the city of Lincoln, and the local board for the district of the city of Lincoln, or either of them, on the other hand, may from time to time enter into and carry into effect agreements for the following purposes, or any of them, (namely,) for substituting bridges over, or subways or passages under, any streets or highways within the city of Lincoln, in lieu of level crossings belonging to the Sheffield Company on such streets or highways, or for diverting, altering, and (if need be) stopping up and appropriating, temporarily or permanently, all or any of such level crossings, and all streets, roads, footpaths, sewers, drains, watercourses, and pipes, as far as may be necessary for the execution of any such agreements.

Application of existing Sheffield capital.

8. The Sheffield Company may apply for purposes of this Act any capital which they are by any other Act authorised to raise by shares or borrowing, and which is not required for other purposes of their undertaking.

Power for Committee to widen part of authorised railway, &c.

9. Subject to the provisions of this Act, the Cheshire Lines Committee may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the following works; (namely,) the widening and enlargement of so much of the railway authorised by the Liverpool Central Station Railway Act, 1864, as lies between a point where that railway is intended to cross Seel Street, in the borough and parish of Liverpool, and a point where the same is intended to cross Parliament Street, in the same borough and parish, with all proper works and conveniences connected therewith, and may alter in the lines aforesaid the line of the authorised railway aforesaid.

Levels not to be altered without consent.

10. No deviation shall be made from the levels shown upon the deposited sections by which the level of the railway shall be brought nearer to the surface of Great George Street or Berry Street without the consent of the corporation.

Committee not to use explosive substances in constructing certain works.

11. The Committee shall not use gunpowder or any other explosive substance in the construction of the works between Seel Street and Parliament Street.

Period for completion of works.

12. If the widening, enlargement, and works authorised by this Act are not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted for execution thereof, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Works to be part of Liverpool Central Station undertaking.

13. The widening, enlargement, and works authorised by this Act shall to all intents form and be part of the undertaking authorised by the Liverpool Central Station Railway Act, 1864.

Power to appropriate subsoil of streets.

14. The Cheshire Lines Committee may for purposes of the widening, enlargement, and works authorised by this Act, and also for the works authorised by the Liverpool Central Station Railway Act, 1864, appropriate and use so much of the subsoil of the several streets, roads, and highways delineated on and described in the deposited plans and books of reference referred to in this Act and the said Act of 1864 as they require for those purposes.

Power for Committee to take lands.

15. The Cheshire Lines Committee may enter on, take, and use such of the lands delineated on and described in the deposited plans and books of reference aforesaid as they from time to time require for the purposes of the widening, enlargement, and works authorised by this Act, or for the purpose of any works which the said Committee are by any other Act authorised to make or execute.

Committee to acquire easements only under cellars, &c.

16. Provided that with respect to any lands which the Cheshire Lines Committee are by the provisions of this Act, or of the said Liverpool Central Station Railway Act, 1864, authorised to enter on, take, and use for purposes of the widening, enlargement, and works authorised by this Act, or the works authorised by the said Act of 1864, and which are in or under the roadway or footway of any street, road, or highway, the Committee shall not be required wholly to take those lands or any part of the surface thereof, or any cellar, vault, or other construction therein or thereunder held or connected with any house in any such street, road, or highway, but the Committee may purchase, take, and use, and the owners of and other persons interested in those lands shall sell and grant accordingly to the Committee, a perpetual and exclusive easement or right of using the substrata or lands under such cellars, vaults, and other constructions as aforesaid for any purpose for which but for the enactment of this section the Committee might have purchased, taken, and used the same; and the purchase of such an easement shall not in any case be deemed the purchase of a part of a house or other building or manufactory within section ninety-two of the Lands Clauses Consolidation Act, 1845.

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Compensation to owners, &c. in event of damage sustained through construction or working of railway.

17. If the owner, lessee, or occupier of any building in or abutting upon Great George Street, between Duke Street and Parliament Street, shall sustain any damage or injury arising from the construction of the works or the working of the railway by this Act or the Act of 1864 authorised, such owner, lessee, or occupier shall be entitled to compensation in respect thereof, the amount to be settled as herein-after provided.

Interest upon amounts awarded.

18. The Committee shall pay interest upon the respective amounts awarded at four pounds five shillings per cent. per annum, from the date of actual possession being taken by them in cases where the tunnel is constructed under any part of the property of the claimant, and in all other cases from the opening of the railway for public traffic.

Mode of determining claims referred to arbitration.

19. The several claims for compensation and matters mentioned in sections 16 and 17 of this Act shall be referred to arbitration, and shall be determined in manner following:

1st. All claims in any way to be made under the provisions contained in sections 16 and 17 of this Act shall be made in writing, signed by the claimant or his authorised agent, and delivered to the Committee within three years after the opening of the railway for public traffic, and the freeholders (other than the corporation of Liverpool), and their respective lessees and occupiers, shall in their claims name one and the same attorney to act for them, otherwise the compensation in such claims shall not be assessed:

2nd. No proceeding to assess the amount of compensation or to determine the matters in dispute upon any of the said claims shall be commenced until the expiration of the said period of three years:

3rd. Immediately on the expiration of the said period, the Committee shall forward copies of all the said claims to the town clerk of Liverpool for the time being, who shall act for and represent the corporation of Liverpool, the trustees of Great George Street Chapel, and the lessees and occupiers of the corporate estate, and all the other claimants shall be represented by one attorney only before the arbitrator:

4th. The arbitrator shall be John George Blackburne, of Oldham, civil engineer, or in case of his death or refusal to act, Charles Edward Cawley, of the city of Manchester, civil engineer, M.P., or failing him, an engineer to be appointed by the Board of Trade:

5th. The arbitrator shall within three months after the expiration of the said period of three years appoint a time and place to

hear and determine the said claims, notice of which shall be served upon the said town clerk of Liverpool, the attorney for the other claimants, and upon the said Committee, and the arbitrator may, if necessary, adjourn the hearing from time to time:

6th. The whole of the claimants shall be represented before the said arbitrator, and in all respects in reference to their said claims, by the said town clerk of Liverpool and their said attorney, or by counsel instructed by them, and the Committee shall be represented by their attorney and such counsel as he may instruct; but except as aforesaid no claimant shall be entitled to appear or be heard by separate counsel or attorney on his behalf, or to any costs other than such as shall be incurred through the said town clerk and the said attorney:

7th. The arbitrator shall, within twelve months from the day when he shall have first appointed to commence the said arbitration, make his award in writing, which shall in a schedule thereto state the amount to be paid to each claimant respectively:

8th. The costs and charges of the arbitrator and the costs of the award shall be paid by the Committee, but the arbitrator shall determine whether the claimant's costs in each case shall be paid by the Committee or by the claimant: Provided that the Committee shall in any event bear their own costs, unless the arbitrator shall specially determine in any one or more case or cases that the claim in such case or cases has been in his judgment frivolous or vexatious, in which case he may direct that the claimant or claimants shall pay the costs of the Committee incurred in respect of such claim or claims:

9th. In case the parties differ as to the amount of costs to be paid by them respectively in respect of any of the matters aforesaid, the same shall be taxed by one of the masters of the Court of Queen's Bench in the manner provided by "The Railways Regulation Act, 1868:"

10th. Except as herein-before specially provided, the said arbitration shall be under and subject to the provisions of the Lands Clauses Consolidation Acts.

Powers for compulsory purchases limited.

20. The powers of the Cheshire Lines Committee for the compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Certain provisions of the Act of 1864 extended to this Act.

21. The provisions contained in sections twenty-five and twenty-six of the "Liverpool Central Station Railway Act, 1864," shall extend and apply, mutatis mutandis, to the works authorised by this Act.

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Extension of time for construction of works.

22. The time granted by the several Acts enumerated in the first schedule to this Act for completion of the works thereby respectively authorised is hereby extended so as to continue for three years from the expiration of the extended time granted in that behalf by section twenty-seven of the Cheshire Lines Act, 1867.

Application of capital by Committee.

23. The Cheshire Lines Committee may apply for purposes of this Act any money which is from time to time by virtue of any other Act at their disposal, and which is not required by them for other authorised purposes.

Repeal of borrowing powers in second schedule.

24. So much of the several Acts enumerated in the second schedule to this Act as confers on the several companies in those Acts mentioned powers to borrow on mortgage or bond, and so much of any Act relating to the Cheshire Lines Committee as transfers to or vests in the Committee those powers or any of them, are hereby repealed as from the passing of this Act, and in lieu and instead thereof the Sheffield, Great Northern, and Midland Companies respectively may from time to time borrow on mortgage of their respective undertakings any sum not exceeding in the whole one hundred and forty-one thousand pounds for each of the said Companies: Provided always, that nothing in this Act contained shall prejudice or affect any mortgage or bond created under the powers of the said respective Acts hereby repealed, or any of them, which may be subsisting at the passing of this Act.

Power for Sheffield, Great Northern, and Midland Companies to borrow.

Priority of existing mortgages.

25. All mortgages granted by the Sheffield, Great Northern, and Midland Companies respectively before the passing of this Act shall during their respective continuance have priority over any mortgages granted by them respectively by virtue of this Act.

Application of borrowed money.

26. All money raised under this Act by the Sheffield, Great Northern, and Midland Companies respectively shall be held and appropriated by them for the authorised purposes of the Cheshire Lines Committee, and not otherwise.

Extending period for sale of superfluous lands.

27. The period limited for the sale of the superfluous lands held respectively by the Sheffield Company, the Sheffield and Midland Companies jointly, the Sheffield and Great Northern Companies jointly, and the Cheshire Lines Committee, is hereby extended for ten years from and after the passing of this Act; and it shall be lawful for the Sheffield Company as to lands belonging to them, for the Sheffield and Midland Companies as to lands belonging to those Companies jointly, for the Sheffield and Great Northern Companies as to lands belonging to those Companies jointly, and for the Cheshire Lines Committee as to lands belonging to them, to hold the said lands for such additional period; and the said Companies

and Committee respectively shall within ten years from the passing of this Act absolutely sell and dispose of all the lands which have been acquired by them for any of their undertakings, and which are not or eventually may not be required for any of the undertakings or purposes of the said Companies or Committee respectively.

Interest not to be paid on calls paid up.

28. No Company shall, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent any 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.

29. No company or body shall, 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 any other railway, work, or undertaking.

Railway not exempt from provisions of present and future general Acts.

30. Nothing in this Act contained shall exempt the railway or works by this Act authorised to be made 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.

Expenses of Act.

31. All costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Sheffield Company and the Cheshire Lines Committee in such shares and portions as the Sheffield Company and the Cheshire Lines Committee may agree.

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SCHEDULES.

THE FIRST SCHEDULE.

Extension of Time for Works.

The Liverpool Central Station Railway Act, 1864.

The Chester and West Cheshire Junction Railway Act, 1865.

The Manchester, Sheffield, and Lincolnshire Railway (Extension to Liverpool) Act, 1865.

The Manchester, Sheffield, and Lincolnshire Railway (New Lines) Act, 1866.

THE SECOND SCHEDULE.

Borrowing Powers repealed.

Session and Chapter.	Short Title.	Amount authorised to be borrowed.
23 Vict. c. xvi. - -	The Stockport and Woodley Junction Railway Act, 1860.	20,000
23 and 24 Vict. c. xc. -	The Cheshire Midland Railway Act, 1860.	33,000
24 and 25 Vict. c. cxliii. -	The West Cheshire Railways Act, 1861.	66,600
24 and 25 Vict. c. clxxv.	The Stockport, Timperley, and Altrincham Junction Railway Act, 1861.	50,000
25 and 26 Vict. c. cxc. -	The West Cheshire Railways Act, 1862.	21,000
26 and 27 Vict. c. cxlvii.	The Great Northern Railway (Cheshire Lines) Act, 1863.	66,664
27 and 28 Vict. c. ccxc. -	The Liverpool Central Station Railway Act, 1864.	166,000
	Total Borrowing Powers repealed -	£423,264

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