



CHAPTER cxxxii.

An Act to authorise the Sheffield District Railway Company to construct Branch Railways in Sheffield connecting with the Midland Railway and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS by the Sheffield District Railway Act 1896 (in this Act referred to as "the Act of 1896") the Sheffield District Railway Company (in this Act referred to as "the Company") were incorporated and empowered to make railways in the west riding of the county of York and in the county of Derby connecting the Lancashire Derbyshire and East Coast Railway with Sheffield:

And whereas the making of the branch railways in Sheffield in this Act described to connect the authorised railway of the Company with the Midland Railway would be of public and local advantage and it is expedient the Company be empowered to construct the same:

And whereas the branch railways by this Act authorised will by reason of their connexion with the Midland Railway system supersede portions of the railway authorised by the Act of 1896 and render unnecessary the expenditure of a considerable portion of the capital authorised by that Act and it is expedient that such capital be reduced:

And whereas it is expedient that the Company and the other companies herein-after in that behalf mentioned be empowered to enter into and carry into effect working and other agreements as herein-after expressed:

And whereas it is also expedient to extend and make applicable to the branch railways by this Act authorised the provisions contained in the Act of 1896 as to payment of interest out of capital during the construction of the railway:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also books of

A.D. 1897. — 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 were duly deposited with the clerks of the peace for the west riding of the county of York and for the city of Sheffield and are herein-after referred to as the deposited plans sections and books of reference :

And whereas the objects 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 :—

Short title. 1. This Act may be cited as the Sheffield District Railway Act 1897.

Incorporation of Acts. 2. The following Acts and parts of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say) The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863.

Interpretation. 3. 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 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.

Power to make railways and works. 4. 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 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 works herein-before referred to and authorised by

this Act will be situated in the west riding of the county of York and in the city of Sheffield and are as follows :—

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- (1) A railway No. 1 (1 furlong and 9·45 chains in length) wholly within the ancient parish and city of Sheffield commencing by a junction with the main line of the Midland Railway between the Attercliffe and Brightside Stations on that railway at a point distant 6 chains or thereabouts from the centre of the bridge carrying the said railway over the mill race near Sanderson's Weir measured in a south-westerly direction along the said railway and terminating by a junction with Railway No. 2 described in and authorised by the Sheffield District Railway Act 1896 at a point marked and measured 1 furlong and 8 chains on the plans for that railway deposited with the clerk of the peace for the city of Sheffield at his office in Sheffield in November one thousand eight hundred and ninety-five :
- (2) A railway No. 2 (2 furlongs and 1·70 chains in length) wholly within the ancient parish and city of Sheffield commencing by a junction with the said Railway No. 2 described in and authorised by the Sheffield District Railway Act 1896 at a point marked and measured 2 furlongs and 1 chain on the plans deposited for that railway with the clerk of the peace for the city of Sheffield in November one thousand eight hundred and ninety-five and terminating by a junction with the said main line of the Midland Railway between the Attercliffe and Brightside Stations on that railway at a point 100 yards or thereabouts measured in a north-easterly direction along the said Midland Railway from the centre of the bridge carrying that railway over Newhall Road and opposite the south-western corner of the Midland Company's engine shed :

Provided that the provisions of section 6 of the Act of 1896 as to the exercise of the compulsory powers of taking lands by the Company shall apply to the before-mentioned railways authorised by this section.

5. The quantity of land to be purchased by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired under the powers of this section.

Lands for extraordinary purposes.

6. 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.

Power to
take ease-
ments &c. by
agreement.

7. 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 this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in under 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.

Restriction
on taking
houses of
labouring
class.

8.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other 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 last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) 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 of such persons who may be residing with them.

Deposit
money not to
be repaid
except so far
as railways
opened.

9. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand and fifty-eight pounds fifteen shillings being five per centum upon the amount of the estimate in respect of the railways has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers.

10. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund 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 deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

A.D. 1897.
Application
of deposit.

11. If the railway is 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 railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion
of works.

12. The railways and works by this Act authorised shall form part of the railway of the Company and the maximum rates and charges which the Company shall be entitled to charge and make in respect of merchandise traffic including perishable merchandise by passenger train on the railways authorised by the Act of 1896 and this Act shall be the rates and charges specified in the schedule annexed to the order of the Board of Trade under the Railway and Canal Traffic Act 1888 set forth in and confirmed by the Railway Rates and Charges No. 12 (Manchester Sheffield and Lincolnshire Railway &c.) Order Confirmation Act 1892 as if the

Railways to
form part of
railway of
Company.
Rates and
charges
defined.

A.D. 1897. Company were named in the said order and the maximum fares and charges which the Company shall be entitled to charge and make in respect of passengers and parcels conveyed by passenger train on the said railways shall be the fares and charges specified in the Act of 1896 :

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

For protec-
tion of
Midland
Railway
Company.

13. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the Railways Nos. 1 and 2 hereby authorised and with respect to the making and maintaining of those railways shall unless with the previous consent of the Midland Railway Company (herein-after called "the Midland Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

- (1) The Company shall not without in every case the previous consent of the Midland Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to or worked by that company except only so far as shall be necessary for the purpose of making and maintaining the said railways as the same are according to this Act to be constructed :
- (2) With respect to any land of the Midland Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Midland Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :
- (3) Subject to the provisions of this section the junctions of the respective Railways Nos. 1 and 2 with the Midland Company's main line of railway shall be effected at such points within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer for the time being of the Midland Company or in case of difference as shall be determined by arbitration as herein-after provided :

- (4) If by reason of the construction of the said railway and works or of any junction or altered or substituted junction it shall become necessary to add to or alter any signal cabins signal posts signals or other works on the railways of the Midland Company that company shall make such additions or alterations and the expense thereof shall be repaid to them by the Company forthwith on demand and the cost of maintenance and working of any such additional or altered signal cabins signal posts signals or other works as shall have become necessary by reason of the works of the Company shall forthwith on demand be repaid to the Midland Company by the Company : A.D. 1897.
- (5) The said Railways Nos. 1 and 2 where the same will be made upon or across or will otherwise interfere with any railway siding or other work belonging to or worked by the Midland Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer for the time being of the Midland Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided :
- (6) The Company shall take all possible precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Midland Company :
- (7) The Company shall bear and on demand pay to the Midland Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Company 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 the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise :
- (8) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors

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or of any person in the employ of the Company or of their contractors any railway siding or other work of the Midland Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Midland Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Midland Company by reason of any of the matters or causes aforesaid the Company shall pay to the Midland Company all costs and expenses to which that company may be put as well as full compensation to be recoverable with full costs by that company from the Company in any court of competent jurisdiction :

(9) The Company shall at all times maintain the said junctions and the bridges arches openings or other works by which their railway is carried over the railways sidings or other works of the Midland Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of that company And if and whenever the Company fail so to do the Midland Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as that company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Midland Company from the Company in any court of competent jurisdiction :

(10) Notwithstanding anything in this Act contained the Company shall not for the purposes of the proposed Railway No. 1 construct any junction or works affecting the lands and property of the Midland Company without the consent in writing of that company under their common seal :

(11) If any difference shall arise between the Company and the Midland Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For the protection of the 14. The following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Sheffield (in this

section called "the corporation") shall apply and have effect (that is to say):— A.D. 1897.

(1) The bridges for carrying the railway by this Act authorised over the River Don or any other watercourse within the city of Sheffield shall be so constructed as not to diminish the existing waterway and the Company shall acquire an easement only over any such watercourses:

corporation
of Sheffield.

(2) The bridge for carrying the railway by this Act authorised over Brightside Lane in the said city shall be constructed of one span of not less than sixty feet measured on the square with a headway of not less than sixteen feet throughout. The floor of such bridge to be of such construction as the Company's engineer shall determine:

(3) The bridge for carrying the railway by this Act authorised over Newhall Road in the said city shall be constructed of one span of not less than fifty feet measured on the square with a headway of not less than sixteen feet throughout:

(4) If it shall be found necessary the corporation may fix a gas lamp between the bridges of the Company and the Midland Railway in Newhall Road in the said city and provide for the lighting of the same and the Company shall if required pay for the gas.

15. On or after the passing of this Act the powers conferred upon the Company by the Act of 1896 with reference to the raising of capital by shares and by borrowing shall be and are hereby limited as follows. The capital which the Company may raise by shares is hereby restricted to the sum of two hundred thousand pounds and the sum which the Company may from time to time raise by mortgage or debenture stock is hereby restricted to the sum of sixty-six thousand six hundred pounds and the Act of 1896 shall be read and construed as though such reduced sums had been originally inserted therein.

Reducing
share and
loan capital
of Company.

16. The Company may apply to any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or are by the Act of 1896 authorised to raise by shares or borrowing or by the creation and issue of debenture stock.

Power to
apply funds.

17. The Company on the one hand and the Midland Railway Company the Lancashire Derbyshire and East Coast Railway Company and the Great Eastern Railway Company or any one or more of those companies (herein-after called "the three companies") on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway

Power to
enter into
traffic agree-
ments.

A.D. 1897. — and Canal Traffic Acts 1873 and 1888 from time to time enter into carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say) :—

The working use management and maintenance by the three companies or any or either of them of the railway and works of the Company or any part or parts thereof respectively ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or any or either of them ;

The supply and maintenance under any agreement for the railway of the Company being worked and used by the three companies or any one or more of them of engines stock and plant necessary for the purposes of any such agreement ;

The fixing subject to the authorised maximum rates collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the respective railways and works of the contracting companies or any or either of them or any part thereof ;

The employment of officers and servants ; and

The appointment of joint committees for the purposes of any such agreements.

Saving for
Postmaster-
General.

18. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Midland Railway Company and the Great Eastern Railway Company or either of those companies as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Tolls on
traffic con-
veyed partly
on the rail-
way and
partly on
any other
railway.

19. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by the before-mentioned railway companies or any one or more of them the railways of the Company and any such other company or companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers

conveyed partly on the railway of the Company and partly on any other railway for a less distance than three miles rates and charges may only be charged as for three miles and for every mile or fraction of a mile beyond three miles rates and charges as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on any other railway the Company shall be deemed to be a company connected with the Manchester Sheffield and Lincolnshire Railway Company and specified in the appendix to the schedule to the Railway Rates and Charges No. 12 (Manchester Sheffield and Lincolnshire Railway &c.) Order Confirmation Act 1892.

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20. The provisions of section 57 of the Act of 1896 shall extend and apply to the payment of interest during the construction of the railways by this Act authorised.

As to pay-
ment of
interest out
of capital.

21. Nothing in this Act contained shall exempt any Company named in this Act or the railways of any such 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.

Provision as
to general
Railway
Acts.

22. 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.

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