



CHAPTER xxiii.

An Act to confer further powers upon the Great Northern Railway Company. A.D. 1901.
[2nd July 1901.]

WHEREAS it is expedient that the Great Northern Railway Company (herein-after referred to as "the Company") should be authorised—

To make and maintain the railways and works herein-after described;

To widen and improve certain portions of their railway;

To purchase and acquire additional lands and easements ~~for the~~ purposes of their undertaking;

To raise capital for the purposes of this Act and other the general purposes of their undertaking:

And whereas it is expedient that the West Riding Railway Committee constituted under the powers of the West Riding and Grimsby Railway (Transfer) Act 1866 and consisting of representatives of the Company and the Great Central Railway Company (in this Act called "the Central Company") should be enabled to acquire certain lands in the West Riding of the county of York and that in connexion with such acquisition the said West Riding Railway Committee and the Company and the Central Company (in this Act referred to as "the Two Companies") should be authorised to apply their existing funds: 29 & 30 Vict. c. clxii.

And whereas it is expedient that the period limited by the Great Northern Railway Act 1898 (in this Act referred to as "the Act of 1898") for the compulsory purchase of lands for the purposes of the railways numbered 1 and 2 loop line Enfield to Stevenage as were not abandoned by the Great Northern Railway Act 1899 (in this Act referred to as "the Act of 1899") and of the railways numbered 5 and 6 of the said loop line the railways numbered 7 and 8 (railways at Finsbury Park) Railway No. 9 (railway at Langwith) and so much of the widenings of the main line of the Company as have not yet been completed that is to say 61 & 62 Vict. c. clxv. 62 & 63 Vict. c. ccii.

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widenings A and B at Langley widening at Hitchin widening at Sandy widening from Huntingdon to Abbots Ripton widening from Wood Walton to Yaxley widening of the Company's branch railway from Finchley to Edgware thereby authorised and the period limited by the Act of 1899 for the compulsory purchase of lands for the purposes of the deviation railways numbered 1 2 3 and 4 thereby authorised should be respectively extended :

And whereas it is expedient that the time prescribed for the sale of lands acquired by the Company and by the Company jointly with other companies under the powers of various Acts and not yet applied to the purposes of the undertakings in respect of which they were so acquired should be extended :

And whereas it is expedient that the powers conferred upon the Company by the Act of 1898 for the compulsory purchase of certain lands at Wood Green East Barnet Hatfield and Sandy should be extended :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas ~~plans and sections~~ showing the lines and levels of the railways widenings of railways and other works authorised by this Act and the lands to be taken for the purposes thereof and plans of the additional lands authorised to be taken under the powers of 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 all such lands so far as those documents relate to lands in each county or division herein-after mentioned were duly deposited with the clerks of the peace for the West Riding of Yorkshire and for the counties of Cambridge Derby Hertford Huntingdon Lancaster London Middlesex and Nottingham and for the parts of Holland the parts of Kesteven and the parts of Lindsey in Lincolnshire and the said documents are herein-after respectively referred to as the deposited plans sections and books of reference.:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 Great Northern Railway Act 1901.

2. The following Acts and parts of Acts are (excepting where the same are expressly varied by or are inconsistent with the provisions of this Act) incorporated with and form part of this Act namely:—

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—
Incorporation of
general Acts.

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (Construction of a railway) and Part II. (Extension of time) of the Railways Clauses Act 1863.

3. Subject to the provisions of this Act the provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

Extending
certain pro-
visions of
Companies
Clauses Acts.

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 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 as amended by subsequent Acts shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage and to the proprietors thereof.

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

Interpreta-
tion.

“Parish clerks” and “clerks of the several parishes” in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall as regards the administrative county of London mean the town clerks of the metropolitan boroughs:

The expression “the county of London” means the administrative county of London exclusive of the city of London.

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 Power to
 make rail-
 ways &c.

5. 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 widenings of portions of their existing railways (including in such widenings the altering and improving of and the laying down of additional lines of rails upon the said portions) and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes.

The railways widenings and works herein-before referred to and authorised by this Act are—

RAILWAY AT HERTFORD—

A railway (No. 1) (five chains thirty-five links in length) wholly in the parish of St. John Urban in the borough of Hertford in Hertfordshire commencing by a junction with the Hertford branch of the Company at a point thereon about ten yards north-east of the north-eastern corner of the engine shed of the Great Eastern Railway Company and terminating on the northern side of Mead Lane in the field numbered 48 on the second edition of the Ordnance map of the said parish to the scale of $\frac{1}{2500}$ published in 1898 (sheet xxix. 11) at a point in the said field about twenty yards north-east of the south-western corner thereof.

RAILWAY AT DAYBROOK—

A railway (No. 2) (two miles 3·80 chains in length) wholly in the parish and urban district of Arnold and the parish and county borough of Nottingham in the county of Nottingham commencing in the said parish and urban district of Arnold by a junction with the Derbyshire and Staffordshire Railway of the Company at a point thereon about two hundred and twenty-five yards north-west of the north-western face of Mapperley Tunnel and terminating in the said parish and county borough of Nottingham by a junction with the said Derbyshire and Staffordshire Railway at a point thereon about two hundred and ninety yards west of the centre of the Leen Valley Junction signal box.

RAILWAY AT MANCHESTER—

A railway (No. 3) (one furlong 3·73 chains in length) wholly in the township of Manchester in the city and county borough of

Manchester in Lancashire commencing by a junction with the sidings of the Company at a point thereon about twenty yards measured in an easterly direction from a point opposite and six yards north of the centre of the Great Northern Junction signal box and terminating at a point about twelve yards north-east of the north-eastern face of the viaduct of the Ordsall Lane Branch of the Manchester South Junction and Altrincham Railway measured from a point on the said viaduct about eighteen yards south-east of the centre of the bridge over Medlock Street:

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And when the said railway (No. 3) is completed and opened for the public conveyance of goods traffic the Company may stop up all rights of way from the Castle Field Wharves Kenworthy's Dockyard and the Potato Wharf to the Liverpool Road in and over the land adjoining the said viaduct on the north-eastern side thereof and extending from Duke Street to the said point about eighteen yards south-east of the said bridge over Medlock Street and thereupon all rights of way in and over the said land shall be and the same are hereby extinguished.

WIDENINGS AND IMPROVING OF EXISTING RAILWAYS.

WIDENING FROM LITTLE BYTHAM TO GRANTHAM—

A widening of the main line of the Company on both sides thereof wholly in the parts of Kesteven in Lincolnshire commencing in the parish of Little Bytham in the rural district of Bourne by a junction with the said main line at a point thereon about ten yards north of the northern end of the platforms at Little Bytham Station and terminating in the parish of Spitalgate Without in the rural district of Grantham by a junction with the said main line at a point thereon about thirty-eight yards north-west of the centre of the bridge carrying the said line over the River Witham.

WIDENING AT BALNE LANE WAKEFIELD—

A widening of the West Yorkshire Railway of the Company wholly in the parish of Wakefield in the city and borough of Wakefield in the West Riding of the county of York commencing by a junction with the down slow line opposite the centre of the Westgate north signal box and terminating by a junction with the down Ossett line at a point thereon about eighty-four yards measured in a north-westerly direction from the northern end of Balne Lane signal box.

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Power to cross certain road on the level.

6. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) 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 carry the same across and on the level of the public road numbered on the deposited plans 3 in the parish of St. John Urban in the borough of Hertford.

Height and span of bridge.

7. The Company may make the arch of the bridge for carrying the railway over the public road numbered on the deposited plans 4 in the parish of Wakefield of any height not less than fifteen feet and of any span not less than twenty-three feet six inches.

Protection of gas and water mains of local authorities.

8. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

roads &c. on new railways &c.

9. The new railways and the widenings of railways and the works connected therewith respectively executed under the powers of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever form part of the undertaking of the Company.

Period for completion of railways.

10. If the new railways authorised by this Act 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 for making and completing the said new railways or otherwise in relation thereto shall cease except as to so much thereof respectively as is then completed.

Penalty unless railways are opened within the time limited.

11. If the Company fail within the period limited by this Act to complete the new railways by this Act authorised 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 new railway in the completion of which default is made is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the

estimated cost of such railway. 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, and to the credit 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 were prevented from completing or opening such new railway 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.

12. 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 new railways or any portion thereof respectively 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 for the purposes of such new railways and for which injury or loss no compensation or inadequate compensation shall have 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 shall have 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 railways or railway in respect of which the penalty shall have been incurred or any part thereof have or has been abandoned be paid 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 to the Company.

Application
of penalty.

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Powers to
Great
Central
Railway
Company.

13. The Great Central Railway Company may have and exercise over the railway at Daybrook (Railway No. 2) by this Act authorised the same powers and rights as they now have or are entitled to under the provisions of section 10 of the Manchester Sheffield and Lincolnshire Railway Act 1889 over the portions of the Great Northern Railway specified in the said section but subject to the terms conditions regulations and restrictions contained in the said section.

Powers to
London and
North
Western
Railway
Company.

14. The London and North Western Railway Company may have and exercise over Railway No. 2 by this Act authorised the same powers and privileges as are conferred on that company by the 28th section of the Great Northern and London and North Western Railway Companies (Joint Powers and New Lines) Act 1874 with respect to the portions of the Great Northern Railway specified in the said section but subject to the terms conditions and restrictions contained in sections 29 30 31 32 33 and 34 of the same Act.

For protec-
tion of
Nottingham-
shire County
Council.

15. The bridge to carry the railway over the Nottingham and Mansfield main road in the parish of Arnold shall be constructed so that there shall be a clear opening of twenty feet between the intended new bridge and the existing bridge of the Company and the proposed new bridge shall not be of a greater width than is necessary to carry two lines of railway and shall consist of one clear span to cover the existing road and the paths on each side of the road When the existing bridge of the Company is renewed the Company will rebuild it so that there shall be one clear span over the road and the footpaths as in the case of the intended new bridge.

As to pur-
chase of
certain land
belonging
or reputed
to belong to
corporation
of Notting-
ham.

16.—(1) Notwithstanding anything contained in section 18 of the Great Northern Railway Act 1897 the mayor aldermen and citizens of the city of Nottingham (in this section called "the corporation") may and shall sell and the Company may and shall purchase the fee simple in possession free from incumbrances of and in the piece or parcel of land in the parish of Nottingham on the north side of the Derbyshire and Staffordshire Railway of the Company and coloured pink on the plan signed by Sir Samuel Johnson on behalf of the corporation and by William Henry Elwell on behalf of the Company at and for the price of eighteen thousand five hundred and five pounds which sum shall include satisfaction and compensation for all injurious affection of the remaining property of the corporation by the stopping up of the roads or footways over the same or by the exercise of the powers of this Act and any Act incorporated therewith and for all accommodation

works which might otherwise have been required to be made under the said Acts for the better enjoyment and protection of such remaining property. A.D. 1901.

(2) The purchase shall be completed on the twenty-fifth day of March one thousand nine hundred and two when the Corporation shall give the Company possession of the said piece of land subject to the existing yearly tenancy of Mr. Samuel Dexter. If the Company desire to take possession of the said piece of land before the purchase thereof shall be completed the Company shall be at liberty so to do and in that event they shall pay the corporation interest on the said purchase money at the rate of three and a quarter per centum per annum from the date of taking possession to the date of the completion of the purchase.

(3) The mines and minerals in and under the said piece of land shall not be included in the sale thereof but the Corporation and their successors shall not work nor sell assign nor lease the said mines or minerals.

(4) The Company and the corporation may by writing under their respective common seals agree upon any variation of or alteration in the terms contained in this section.

17. For the protection of Sandiford Son and Armstrong Limited (in this section called "the owners") the following provisions shall have effect:—

For protection of Sandiford Son and Armstrong Limited.

(1) If the Company under the powers of this Act stop up or render less convenient or insufficient for the enjoyment of the property of the owners (coloured green on the plan signed by Sale Seddon and Company on behalf of the owners and by William Henry Elwell on behalf of the Company) any access which the owners now possess from Liverpool Road to the rear or southern side of the said property either by way of Potato Wharf or Rice Street without providing other substituted access to the said property as reasonably convenient and sufficient as the access so stopped up or rendered less convenient or insufficient as aforesaid they shall purchase the said property and the provisions of the Lands Clauses Acts shall apply to such purchase:

(2) Any dispute or difference which may arise between the Company and the owners under this section other than the ascertainment of the purchase money as aforesaid shall be settled by arbitration by a surveyor to be appointed by the President of the Surveyors' Institute on the application of the Company and the owners or either of them.

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For protec-
tion of
Bridgewater
trustees.

18. The following provisions shall (unless otherwise agreed between the Company and the trustees) have effect in constructing Railway No. 3 by this Act authorised for the benefit and protection of the trustees for the time being under the will of the Most Noble Francis late Duke of Bridgewater of the estates situate in the counties of Lancaster and Chester subject to the trusts of the said will or any part thereof in this Act respectively referred to as and included in the expression "the Bridgewater trustees" (that is to say):—

(1) Notwithstanding anything in this Act contained the Company shall carry Railway No. 3 over Potato Wharf Road by means of a bridge with a span of not less than thirty feet in width and a headway of not less than sixteen feet measured from the surface of the roadway and in the position marked A on the plan signed by Thomas Berry on behalf of the trustees and by Alexander Ross on behalf of the Company and shall carry the said railway over Duke Street by means of a bridge with a span of not less than thirty-six feet and a headway of not less than sixteen feet measured from the surface of the roadway in the position marked B on the said plan. The sides of the piers above four feet from the surface of the road to the under sides of the springer courses of the arches of the aforesaid bridges over Potato Wharf Road and Duke Street shall be faced with light coloured glazed bricks:

(2) The Company shall at their own expense divert and reconstruct Potato Wharf Road under the aforesaid bridge over Potato Wharf Road and from thence to Liverpool Road so as to be not less than twenty-six feet wide as shown on the said plan and on the completion of such diversion and reconstruction the Bridgewater trustees shall pay their proportion according to user of the costs of maintaining the said diverted road in good repair and condition and the Bridgewater trustees their agents servants and workmen and all persons authorised by them shall at all times be at liberty by day or by night and for all purposes with or without horses carts carriages motor cars or waggons laden or unladen to go pass and repass along over and upon such diverted road to the same extent as they may now go pass and repass over and upon the existing road.

For protec-
tion of Man-
chester Ship
Canal Com-
pany.

19. The following provisions for the protection of the Manchester Ship Canal Company (herein-after called "the canal company") shall unless otherwise agreed between the Company

and the canal company apply and have effect in the construction of Railway No. 3 by this Act authorised:— A.D. 1901.

(1) The Company shall not enter upon take or use any land belonging to the canal company until the expiration of twelve calendar months from the service of the notice to treat for the same:

(2) The Company shall at their own expense divert and reconstruct Potato Wharf Road as shown on the plan signed by William Henry Hunter on behalf of the canal company and by Alexander Ross on behalf of the company, and on the completion of such diversion and reconstruction the canal company shall thenceforth pay a proportion of the cost of maintaining the said road in good repair and condition in accordance with the user thereof by the canal company:

(3) If the Company take any land belonging to the canal company within the limits of deviation of Railway No. 3 they shall take the whole of the land belonging to the canal company within such limits.

20. If within six months from the completion of Railway No. 3 the lord mayor aldermen and citizens of the city of Manchester (herein-after called "the corporation") shall require the Company to make within the limits of any property acquired by them for the purposes of Railway No. 3 means of access for railway waggons to and from the markets and cold air stores of the corporation the Company shall make the same in such position and of such construction as failing agreement shall be settled by arbitration by an engineer to be appointed (unless agreed on) by the President of the Institution of Civil Engineers provided that such engineer shall consider such access to be reasonably practicable. As to access to markets of corporation of Manchester.

The Company shall in respect of all traffic using the said works be entitled to make a reasonable charge for special working in addition to the ordinary rates to and from the city of Manchester. The Company shall not be under any obligation to make the said access until they shall have constructed the said Railway No. 3.

Provided further that no obligation to construct such works shall attach to the Company under the provisions of this section unless and until the corporation shall have constructed a tramroad or siding suitable for railway waggons between their markets and cold air stores and the property acquired by the Company as aforesaid.

21. In the construction of Railway No. 3 by this Act authorised the provisions for the benefit and protection of the lord mayor aldermen and citizens of the city of Manchester (herein-after For protection of corporation of Manchester.

A.D. 1901. referred to as "the corporation") which are contained in this section shall unless otherwise agreed between the Company and the corporation be binding upon the Company and the corporation and full effect shall be given thereto :—

(1) In this section the following words and expressions have the meanings herein-after respectively assigned to them :—

"The city surveyor" means the surveyor of the city of Manchester ;

"City" means the city of Manchester ;

"The signed plan" means a plan signed in duplicate by Alexander Ross on behalf of the Company and Thomas De Courcy Meade on behalf of the corporation :

(2) If the width of Duke Place shall be decreased at any point by the works of the Company they shall purchase the houses abutting on the portion of Duke Place which shall be decreased in width if required so to do by the owners of such houses :

(3) The width of Duke Street co-extensive with the property of the Company shall not be less at any point than twelve yards The bridge crossing over Duke Street shall have a minimum height in the centre of the arch of twenty feet :

(4) If the Company shall acquire under the powers of this Act the land necessary for widening Liverpool Road as shown on the signed plan and thereon coloured blue the Company shall give the same up to the corporation for such widening as aforesaid and the corporation shall pay the Company for the said land such a proportion of the total purchase and compensation moneys (including the vendors' costs) paid by the Company for the land purchased by them within the limits of deviation of Railway No. 3 as the area of the said land coloured blue as aforesaid bears to the total area of the said land so purchased by the Company :

(5) The following provisions shall extend and apply to the several works within the city to be constructed by the Company under the powers of this Act and to the lands thereby authorised to be acquired :—

(A) If the Company construct a goods station within the limits of deviation of Railway No. 3 they shall make and provide sufficient accommodation within such station for waggons carts luries and vehicles so as to avoid obstruction in the public streets of the city ;

(B) The piers or abutments and foundations of the bridge crossing over Duke Street shall be placed in such position as

is shown on the signed plan and shall extend and be made below the surface of the ground to such depth below the level of existing sewers drains water and gas mains and pipes as shall be necessary for the purpose of ensuring the permanent stability of the railway and as shall be reasonably sufficient to allow the corporation to make and construct repair or relay any sewers or drains and to lay deposit maintain and repair any water or gas mains or other pipes which under or by virtue of any Act of Parliament the corporation are or may at any time hereafter be authorised to lay down construct and deposit The inside face of the piers or abutments of the said bridge above four feet from the surface of the road to the under sides of the springer courses of the arches of the said bridge shall be faced with glazed bricks In case the corporation shall consider extra lighting necessary by night or day the Company shall provide sufficient lighting under the said bridge The parapets of the said bridge shall be of such height from the level of the rails on each side of the said bridge throughout the entire crossing of Duke Street and for such further extent in length at both ends on each side of the railway as the corporation shall reasonably require The said bridge shall be made and maintained drop dry at all times and shall in all other respects be kept in complete repair by the Company ;

Before obstructing or breaking up under the powers of this Act any public street repairable by the corporation the Company shall give to the corporation fourteen days' notice in writing and the works so far as the same affect such street shall be carried out by the Company to the reasonable satisfaction of the corporation ;

The value of the materials of any sewers drains water and gas pipes and lamps belonging to the corporation which may be rendered useless by the works authorised by this Act shall be paid to the corporation by the Company on demand and the same shall then become the property of the Company ;

The flags paving stones and other paving materials in any street repairable by the corporation which may be stopped up by the Company in the execution of the works by this Act authorised shall remain the property of the corporation and may be removed by them ;

(c) The cost of any new sewers drains mains pipes or other apparatus in substitution for those which may be rendered useless by the works authorised by this Act shall be repaid to

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the corporation by the Company on demand and the materials of the latter shall become the property of the Company ;

(D) Whenever in execution of the powers in this Act contained it shall be necessary to alter or interfere with or disturb any of the paving or flagging of any public street repairable by the corporation or any sewers or drains therein or any of the water gas or other mains or pipes or apparatus belonging to the corporation the same shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company ;

(E) In all cases where streets are temporarily interfered with during the execution by the Company of any works authorised by this Act notice of the works shall be given to the corporation and the Company shall make and during such interference maintain suitable arrangements for fencing lighting and watching the said works to the reasonable satisfaction of the corporation :

(6) If the city surveyor and the engineer of the Company shall differ as to the reasonableness of the requirements of the corporation or concerning any plan or the execution of any of the works provided for by this section then every such difference shall be settled by an engineer to be appointed by the corporation and the Company or if they cannot agree then by an engineer to be appointed as umpire under the provisions of the Railways Clauses Consolidation Act 1845.

For protection of the Earl of Dysart.

22. Notwithstanding anything in this Act or shown on the deposited plans the Company shall not under the powers of this Act without the consent of the Right Honourable Sir William John Manners Earl of Dysart or his sequels in estate acquire any greater quantity of the properties numbered respectively on the deposited plans 57 63 and 64 in the parish of Swayfield than a strip not exceeding twenty feet in width immediately adjoining the north-eastern side of their railway.

For protection of corporation of Wakefield.

23. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section referred to as "the corporation") the following provisions shall apply :—

(1) The widening of the railway over Balne Lane in the parish and city of Wakefield by this Act authorised shall be carried over such street by a flat girder bridge of one span of not less than thirty-six feet and not less than eighteen feet above the surface of such street as shown on the plan A signed by

Alexander Ross the engineer on behalf of the Company and
Richard Porter the city surveyor on behalf of the corporation :

- (2) The Company shall carry the foundations of the abutments of the bridge carrying the said widening over the said street down to below the level of the bottom of the sewer laid in such street :
- (3) The Company shall make and maintain the superstructure of the bridge carrying the said widening over such street as far as practicable watertight and drip dry :
- (4) In constructing the bridge carrying the said widening over such street the Company shall use all reasonable expedition and shall not unnecessarily impede the traffic on the said street :
- (5) The Company shall submit to the Corporation for their approval the plans for carrying the works before mentioned into effect so far as they affect any public street or waterway under the control of the corporation with figured heights and dimensions and all such works shall be constructed and done to the reasonable satisfaction of the corporation and at the cost of the Company Provided that if the corporation do not within a period of twenty-eight days after the submission of the said plans express their approval or disapproval thereof the same shall be deemed to be approved :
- (6) The Company shall not permit the abutments or the parapets or screens of the bridge carrying the said widening over such street to be used for the posting of bills or other advertising purposes except such as relate to the business of the Company :
- (7) Notwithstanding the limits of deviation shown on the deposited plan the Company shall not under the powers of this Act interfere with the footpath numbered 3 on the deposited plan on the west side of the said widening :
- (8) The Company shall extend all culverts conveying water under the railway intended to be widened so as to carry the same under the said widening to the reasonable satisfaction of the corporation :
- (9) The works authorised by this Act shall be so constructed maintained and used as not to cause damage to the sewers water mains or pipes electric mains cables and apparatus of the corporation or works in connexion therewith and if at any time hereafter any damage be in any manner caused to such sewers water mains or pipes electric mains cables and apparatus

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of the corporation or works in connexion therewith in consequence of the construction non-repair or user of the said works all loss costs damages and expenses which the corporation may reasonably incur or be put to in respect thereof shall be paid to them by the Company :

(10) Any question arising between the Company and the corporation touching this section or anything to be done or not to be done thereunder shall be referred to an engineer or other fit person to be appointed unless otherwise agreed by the Board of Trade on the application of either party.

Further
work by the
Company.

24. 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 work herein-after described and may for the purpose aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections and in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose :—

NEW ROAD AT DONCASTER.

They may in the township and borough of Doncaster in the said West Riding construct a new road twelve feet in width commencing in and out of Cherry Lane at a point on the south-western side thereof about fifty yards from the junction of Cherry Lane and Marsh Gate and terminating in a close called "Crimpsall" at a point about seventy-eight yards south-west of the centre of the River Cheswold measured from a point about one hundred and forty-five yards south-east of the junction of the said river with the River Don.

Power to
deviate in
construction
of roads and
footpaths.

25. The Company in constructing the work under the powers of the section of this Act the marginal note whereof is "Further work by the Company" may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively but so nevertheless that no part of such deviation be constructed beyond the said limits and may deviate from the levels shown on the deposited sections to any extent not exceeding two feet.

Substituted
road to be
repaired &c.
as existing
roads &c.

26.—(1) Subject to the provisions of the last preceding section the new road constructed under the powers of the section of this Act the marginal note whereof is "Further work by the Company"

shall vest in and be maintained and repaired by the body liable to maintain and repair the highways in Doncaster. A.D. 1901.

(2) Provided that unless otherwise agreed the structure of every bridge shall be repaired and maintained by the Company. The Company and such body may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of the said new road.

(3) Any such agreements shall be deemed to be purposes of the Public Acts under which such body have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts.

(4) The certificate of two justices of the due completion of the said new road shall be conclusive evidence of the fact so certified and such certificate shall be obtained and the new road opened to the public before the existing road or footpath is interfered with except in so far as may be necessary for the construction and completion of such new road.

27. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over any railway by this Act authorised by a bridge or bridges unless the levels of such road or public highway shall be permanently altered so as to increase the gradient of any part thereof.

Company not liable to repair surface of road gradient of which is not increased.

28. 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 enter upon and take compulsorily or by agreement for the purposes of their undertaking the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference and may hold for all the purposes of their undertaking such of those lands as have already been purchased by or on behalf of the Company (that is to say) :—

Power to Company to purchase additional lands.

IN THE COUNTY OF LONDON—

DEPTFORD Certain lands in the parish of St. Paul Deptford in the borough of Deptford bounded on the north by the Brockley Lane Coal Depôt of the Company on the east by the premises of the Brockley Board Schools and on the west by Pepys Road or the continuation thereof :

KING'S CROSS Certain lands and premises in the parish and borough of St. Pancras bounded on the south-west by the Pancras Road on the north-west by Clarence Passage on the north-east by Cheney Street and on the south-east by Weller's Court.

A.D. 1901. IN THE COUNTY OF MIDDLESEX—

FINCHLEY (A) A strip of land in the parish and urban district of Finchley adjoining the High Barnet Branch of the Company on the north-eastern side thereof at Finchley Church End Station and extending from a point on the north-eastern boundary of the property of the Company about one hundred and forty yards south-east of the public road known as Ballard's Lane for a distance of about one hundred and seventy-seven yards measured in a south-easterly direction along the said boundary;

(B) Certain lands in the said parish and urban district of Finchley adjoining the High Barnet Branch of the Company on the north-western side thereof and extending from a point on the north-western boundary of the said branch about one hundred and thirty-five yards south-west of the mile post denoting eight miles from London to a point about two hundred and seven yards south-west of the said mile post:

ENFIELD (A) Certain lands in the parish and urban district of Enfield bounded on the north by Chase Green Avenue on the south by the property known as the Shrubbery and on the west by the eastern limit of deviation shown on the plans deposited with the clerk of the peace for the county of Middlesex with reference to Railway No. 1 authorised by the Act of 1898;

(B) Certain lands in the said parish of Enfield bounded on the south by Chase Green Avenue and on the west by the said limit of deviation of Railway No. 1 and extending northwards from Chase Green Avenue for a distance of about one hundred and three yards.

IN THE COUNTY OF CAMBRIDGE—

Certain lands in the parish and borough of Cambridge known as Beales' Coal Yard bounded on the north and east by property of or reputed to belong to the Company on the west by Hills Road and on the south-west by the premises known as Vinter's Coal Yard.

IN THE COUNTY OF HUNTINGDON—

Certain lands in the parish of Offord Cluney in the rural district of St. Neot's bounded on the west by the backwater of the River Ouse on the north by a ditch or drain running into the said backwater and on the south by the tramway from Offord Station to the Buckden Corn Mills.

IN THE PARTS OF HOLLAND IN LINCOLNSHIRE—

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HOLBEACH Certain lands in the parish and urban district of Holbeach bounded on the north-east by Station Road on the south-east by property of or reputed to belong to the Midland and Great Northern Railways Joint Committee and on the west and north-west by the stream known as the Old River :

BOSTON AND SKIRBECK QUARTER—

Certain lands partly in the parish and borough of Boston and partly in the hamlet of Skirbeck Quarter in the rural district of Boston belonging or reputed to belong to William Garfit bounded on the west by a fence parallel or nearly parallel to and about one hundred and eleven yards from the centre line of the goods lines of the Lincolnshire loop line of the Company immediately south of the Sleaford Junction signal box and on the east partly by High Street and partly by the back premises of the houses numbered 119 121 123 125 and 127 in the said High Street ;

BOSTON Certain lands in the said parish and borough of Boston bounded on the north by the public road leading from Langrивille to Boston on the east by the field numbered 234 on the Ordnance map of the said parish to the scale of $\frac{1}{2500}$ published in 1889 (sheet cix. 5) and on the west and partly on the south by the boundary of the said parish.

IN THE PARTS OF KESTEVEN IN LINCOLNSHIRE—

Certain lands in the parish of Caythorpe in the rural district of Claypole adjoining the Caythorpe Station yard of the Company on the western side thereof bounded on the north and east by property of or reputed to belong to the Company and on the south by the occupation road known as Love Lane.

IN THE PARTS OF LINDSEY IN LINCOLNSHIRE—

Certain lands and premises in the parish of Great Grimsby in the county borough of Grimsby bounded on the north by Pasture Street on the east by Sheepfold Street and on the south and west by the property of or reputed to belong to the Company And the Company may stop up Bowling Green Lane leading from Sheepfold Street to Pasture Street and thereupon all rights of way in and over the said lane shall be and the same are hereby extinguished.

IN THE COUNTY OF NOTTINGHAM—

SAXONDALE JUNCTION Certain lands in the township of Saxondale in the rural district of Bingham adjoining the Nottingham and

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Grantham Railway of the Company on the southern side thereof bounded on the north by the said Nottingham and Grantham Railway on the south-east by the public road known as the Foss Way leading from Leicester to Newark and on the south-west and west by the property of or reputed to belong to the Great Northern and London and North Western Joint Committee :

NUTHALL Certain lands in the parish of Nuthall in the rural district of Basford adjoining the Derbyshire and Staffordshire Railway of the Company on the south-western side thereof and extending from a point on the south-western boundary of the Company's property about ten yards south-east of the Nuthall Sidings signal box for a distance of about three hundred and forty-five yards measured in a south-easterly direction along the said boundary :

AWSWORTH JUNCTION Certain lands in the parish of Greasley in the rural district of Basford adjoining the Derbyshire and Staffordshire Railway of the Company and their Pinxton Branch Railway on the northern side thereof and extending from the bridge carrying High Street Kimberley over the said Derbyshire and Staffordshire Railway to a point on the northern boundary fence of the said Pinxton Branch about one hundred and eighty-five yards west of the centre of the Awsworth Junction signal box.

IN THE COUNTY OF DERBY—

WEST HALLAM Certain lands in the parish of West Hallam in the rural district of Shardlow adjoining the Derbyshire and Staffordshire Railway of the Company on the southern side thereof and extending from the mile post denoting one hundred and thirty-nine and a quarter miles from London to the road leading from Stanley to the Grange :

HEANOR BRANCH JUNCTION (A) Certain lands in the parish and borough of Ilkeston adjoining the Heanor Branch Railway of the Company on the north-western side thereof and extending along the north-western boundary of property of the Company for a distance of about three hundred yards measured along that boundary in a south-westerly direction from a point on the boundary about one hundred and seventy yards south-west of the bridge carrying the road from Ilkeston to Manners Colliery over the Derbyshire and Staffordshire Railway of the Company ;

(B) Certain lands partly in the said parish of Ilkeston and partly in the said parish of West Hallam in the rural district of Shardlow bounded on the south-east by the said Derbyshire and Staffordshire Railway on the north by the said Heanor Branch Railway and on the south-west by the towing-path of the Nutbrook Canal :

HALLAM FIELD Certain lands in the said parish and borough of Ilkeston adjoining the Stanton Branch Railway of the Company bounded on the south-west by the Nutbrook Branch Railway of the Midland Railway Company and on the north-west north-east and south-east by the property of or reputed to belong to the Company.

IN THE WEST RIDING OF YORKSHIRE—

WRENTHORPE Certain lands in the parish of Stanley in the urban district of Stanley bounded on the east by property of or reputed to belong to the Company on the north by Potoven's Lane and on the south by Fox Lane or the continuation thereof :

ARDSLEY (A) Certain lands in the parish of East Ardsley in the urban district of Ardsley east and west bounded on the north-west and north-east by property of or reputed to belong to the Company on the south-east by the boundary between the fields numbered 127 and 128 on the Ordnance map of the said parish to the scale of $\frac{1}{2500}$ published in 1894 (sheet ccxxxiii. 6) and on the south-west by an imaginary line drawn parallel or nearly parallel to the centre line of the West Yorkshire Railway of the Company and at a distance therefrom of about one hundred and twenty-eight yards measured in a south-westerly direction ;

(B) Certain other lands in the said parish of East Ardsley bounded on the north-west by the said boundary between the fields numbered 127 and 128 on the north and north-east by property of or reputed to belong to the Company and on the south by the southern boundary fence of the premises numbered 126 on the said Ordnance map and by an imaginary line drawn in continuation thereof in a westerly direction :

STANNINGLEY Certain lands and premises partly in the township of Bramley in the city and county borough of Leeds and partly in the parish and urban district of Pudsey belonging or reputed to belong to Charles Henry Slater bounded on the north-west partly by the Bradford Road otherwise Town Street partly by the premises of the Town School Stanningley and partly by the

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premises numbered 6 7 8 and 9 in Wood's Square on the south-west by Station Square on the north-east partly by the premises of the said school partly by the premises numbered 9 in Wood's Square and partly by Wheater's Yard and the premises numbered 4 therein and on the south-east by other lands belonging or reputed to belong to Charles Henry Slater.

IN THE COUNTY OF LANCASTER—

Certain lands and premises in the township of Manchester in the city and county borough of Manchester on the east side of Southern Street bounded on the east and south by the property of or reputed to belong to the Company and on the north by the premises numbered 9 in Southern Street.

For protection of School Board for London.

29. The Company shall not under the powers of this Act except with the consent of the School Board for London take any land now belonging to that board situate on the west side of their Mantle Road School premises in the parish of St. Paul Deptford.

For protection of Haberdashers' Company and London County Council.

30. Whereas the master and four wardens of the Art or Mystery of Haberdashers of the city of London governors of the possessions revenues and goods of the almshouse and free grammar school of William Jones of Monmouth in the county of Monmouth (herein-after called "the Haberdashers' Company") for the purpose of developing their estate at Deptford propose to construct the roads marked A B and X Y on the plan signed by Henry Stock on behalf of the Haberdashers' Company by W. E. Riley on behalf of the London County Council (herein-after called "the council") and by Alexander Ross on behalf of the Company And whereas a plan of the said roads has been duly approved by the council in accordance with the provisions of the London Building Act 1894 and such roads are intended to abut upon the land coloured pink on the said plan Therefore the following provisions for the protection of the Haberdashers' Company and the council shall apply and have effect:—

- (1) Notwithstanding anything shown on sheet No. 20 of the deposited plans the Company shall not purchase more of the land shown on the said sheet than is coloured pink on the said signed plan but they may purchase the whole of the land (both within and outside the limits of land proposed to be purchased) coloured pink on the said signed plan :
- (2) The Haberdashers' Company shall lay out and dedicate or cause to be laid out and dedicated to the public as public highways the said roads between the points marked respectively

A and B and X and Y on the said signed plan up to the said land coloured pink on such plan to the end that the said land coloured pink on the said signed plan shall abut upon the said roads. A.D. 1901.

31. The site and soil of the roads and footpaths by this Act authorised to be stopped up and discontinued and the fee simple and inheritance thereof shall (subject to the acquisition of any existing private rights of way thereover by the Company) if the Company are or if and when under the powers of this Act or of any other Act already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof absolutely vested in the Company subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway. As to vesting of site and soil of portions of roads and footpaths stopped up.

32.—(1) Notwithstanding anything shown on the deposited plans or described in the deposited books of reference the Company shall not under the powers of this Act enter upon take or use more than the following quantity of the following lands reputed to be commonable and for the following purpose (that is to say):— Limiting quantity of commonable lands to be taken.

Purpose for which Lands required.	Name by which Lands are known.	Parish in which situate.	Quantity to be taken.
New road at Doncaster	Crimpsall - -	Township of Doncaster	A. R. P. 0 0 24
Additional lands at Offord	Offord Common -	Offord Cluney -	0 1 20

(2) The compensation payable in respect of the commonable rights and all rights of pasture and other rights in on or over the said lands shall be ascertained by the valuation of two surveyors one to be appointed by the Company and one to be appointed by the trustees herein-after mentioned or if either party fail to appoint a surveyor or if the said surveyors cannot agree in the valuation then by such third surveyor as the two said surveyors shall nominate or failing such nomination then by such third surveyor as the President of the Institute of Surveyors shall upon the application of either party after notice to the other party appoint and each of such two surveyors or such third surveyor as the case may be shall annex to the valuation a declaration in writing subscribed by them or him of the correctness thereof.

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(3) The said compensation shall be paid for the benefit of the parties interested therein to the following bodies or persons respectively (that is to say):—

In respect of Crimpsall to the persons who at the time of payment are the trustees of certain moneys held upon trust for the freemen of the borough of Doncaster under the award hereinafter mentioned;

In respect of Offord Common to the Offord Cluney Parish Council:

The receipt of the persons to whom the said compensation in respect of Crimpsall shall be payable in accordance with the provisions above contained or of the treasurer of the said Offord Cluney Parish Council shall be a sufficient discharge to the Company for any money by such receipt expressed to be paid and the Company shall not be bound to see to the apportionment or to the application of such compensation nor shall they be liable for the misapplication or non-application thereof. The said compensation to be paid in respect of Crimpsall shall be held by the persons to whom the same shall be payable as aforesaid upon similar trusts in all respects for the said freemen of the borough of Doncaster and with and subject to the like powers and provisions as to division between the said freemen and as to investment and the appointment of new trustees and otherwise as are declared by an award of the Inclosure Commissioners for England and Wales dated the thirteenth day of July one thousand eight hundred and fifty-three with regard to certain compensation paid by the Company to the said freemen in respect of land then recently acquired by the Company. And the said compensation to be paid in respect of the said parts of Offord Common shall be held by the council to whom the same shall be payable as aforesaid upon and subject to the provisions of any Act relating to compensation paid to a committee under the Lands Clauses Acts for the extinguishment of commonable rights as if the Offord Cluney Parish Council were a committee under such Acts.

(4) Upon payment by the Company of the said compensation in manner aforesaid the said commonable rights and all rights of pasture over the lands in respect of which such payment is made shall absolutely cease and determine.

Power to
Two Com-
panies to
acquire
additional
lands.

33. Subject to the provisions of this Act the Two Companies may enter upon and take compulsorily or by agreement for the purposes of their joint undertaking the lands hereinafter described which are delineated upon the deposited plans and described in

the deposited books of reference and may hold for all the purposes of their joint undertaking such of those lands as have already been purchased (that is to say) :—

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IN THE WEST RIDING OF YORKSHIRE—

ADWICK Certain lands in the township of Adwick-le-Street in the rural district of Doncaster adjoining the railway of the joint committee at the western end of Carcroft and Adwick-le-Street Station bounded on the south-east and south-west by property of or reputed to belong to the joint committee and on the north by the Old Ea Beck :

HEMSWORTH Certain lands in the parish of Hemsworth in the rural district of Hemsworth adjoining the railway of the joint committee on the south-western side thereof at Hemsworth Station bounded on the south-east by Clay Flat Plantation and extending along the south-western boundary of the said railway for a distance of about four hundred and fifty-five yards measured in a north-westerly direction from the said plantation.

34. 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 or any of the purposes of their undertaking in 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.

35. The powers 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.

36. The time limited by the Act of 1898 for the compulsory purchase of lands for the purposes of so much of the railways numbered 1 and 2 (loop line Enfield to Stevenage) as were not abandoned by the Act of 1899 and of the railways numbered 5 and 6 of the said loop line and of the railways numbered 7 and 8 (railways at Finsbury Park) and of the Railway No. 9 (railway at Langwith) and for so much of the widenings of the main line of the Company as have not yet been completed namely widenings A and B at Langley widening at Hitchin widening at Sandy widening

Extension of time for purchase of lands for certain railways authorised by Act of 1898.

A.D. 1901. from Huntingdon to Abbots Ripton widening from Wood Walton to Yaxley and widening of the Company's branch railway from Finchley to Edgware by that Act respectively authorised and the time limited by the Act of 1899 for the compulsory purchase of lands for the purposes of the deviation railways numbered 1 2 3 and 4 are hereby respectively extended until the twenty-fifth day of July one thousand nine hundred and four but the said powers shall then cease and section 65 of the Act of 1898 and section 47 of the Act of 1899 respectively shall be read and construed accordingly.

Saving rights of His Majesty's Principal Secretary of State for the War Department.

37. Nothing in this Act contained shall authorise the Company to enter upon use or interfere with the piece of land in the parish of Hendon in the county of Middlesex numbered 13A in that parish on the plans deposited in connexion with the Bill for the Act of 1898 without the previous consent of the Principal Secretary of State for the War Department signified in writing under his hand and which consent the said Principal Secretary of State for the War Department is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

As to Enfield or Chase Green.

38. Section 26 of the Great Northern Railway Act 1898 is hereby repealed and in lieu of and in compensation for the lands forming part of Enfield or Chase Green coloured blue on the plan signed by Alexander Ross on behalf of the Company and Richard Collins surveyor on behalf of the Enfield Urban District Council containing by admeasurement one acre and four poles and which may be taken by the Company under the powers of the Great Northern Railway Act 1898 and of this Act the Company shall at their own cost acquire and convey to the uses and upon and subject to the trusts rights and interests to upon and subject to which the said lands coloured blue on the said plan are now vested held or enjoyed the fee simple in possession free from incumbrances of the land coloured red on the said plan containing by admeasurement one acre and four poles.

Extension of time for purchase of certain lands under Act of 1898.

39. The powers conferred upon the Company by the Act of 1898 for the compulsory purchase of the following lands described in section 60 of that Act (that is to say) :—

IN THE COUNTY OF MIDDLESEX—

WOOD GREEN. Certain lands in the parish of Wood Green in the urban district of Wood Green numbered respectively 1 to 9 (both inclusive) on the deposited plans referred to in the said Act in the said parish :

IN THE COUNTY OF HERTFORD—

EAST BARNET Certain lands in the parish of East Barnet adjoining the main line of the Company on the south-western side thereof and extending from the bridge carrying the Oakleigh Road over the said main line to the south-western corner of the hedge or fence crossing over the Barnet tunnel of the Company at or near its southern end ;

Certain other lands in the said parish adjoining the said main line on the north-eastern side thereof and extending from the said bridge to the north-eastern corner of the said hedge or fence at or near the southern end of the said tunnel and bounded on the north-eastern side thereof partly by the new road know as Chandos Avenue ;

Certain other lands in the said parish adjoining the main line of the Company on the eastern side thereof bounded on the north-west and south-west by property of or reputed to belong to the Company and on the north-east by an imaginary line drawn from a point on the eastern boundary of property of or reputed to belong to the Company about fifty yards south of Long Street to a point on the said boundary about five hundred and twenty yards measured along the boundary in a south-easterly direction from the south-western end of Capell Road ;

HATFIELD Certain lands in the parish of Hatfield adjoining the main line of the Company on the western side thereof bounded on the east and north by property of or reputed to belong to the Company and on the south by the road leading to the Rectory ;

Certain other lands in the said parish adjoining French Horn Lane on the southern side thereof and extending for a distance of about one hundred and fifty yards in a westerly direction from a point on the southern boundary of the said lane about one hundred and twenty yards measured in a north-westerly direction along the lane from the western face of the bridge carrying the main line of the Company over the said lane :

IN THE COUNTY OF BEDFORD—

SANDY Certain lands in the parish of Sandy bounded on the north-east by the public road leading from Sandy to Potton and on the west by the road leading from Sandy to Stratford and extending along the said roads for distances of sixty yards and seventy-two yards respectively from their junction ;

are hereby revived and extended until the twenty-sixth day of July one thousand nine hundred and four but the said powers shall then

A.D. 1901. — cease and section 65 of the Act of 1898 shall be read and construed accordingly.

Extending time for sale of certain superfluous lands.

40. The Company with respect to lands acquired by them alone and the Company and any other company with whom the Company jointly hold any lands under the powers of any Act relating to the undertaking of the Company or of such other company with respect to such last-mentioned lands may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company or to such other company with which that Act is incorporated retain and hold any lands acquired by them respectively and which have not yet been applied to the purposes for which they were acquired or sold or disposed of for the periods following (that is to say) As regards such of the lands as are situate near to or adjoining any railway or station of the Company or of such other company as the case may be or as they respectively may be of opinion that they may require for the purposes of stations sidings or other conveniences 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 two years from the passing of this Act :

But the Company or such other company as the case may be shall at the expiration of such respective periods of ten years and two years proceed bonâ fide to the sale and disposal of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes aforesaid.

As to taking houses of labouring class.

41.—(1) The Company shall not under the powers of this Act or of any former Act extended by this Act purchase or acquire in any metropolitan borough or in the city of London (in this section referred to as London) twenty or more houses or in any other city borough or urban district or in 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 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—

(A) Shall have obtained the approval in the case of London of the Secretary of State for the Home Department or in any other case 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 day of December aforesaid or for such number of persons as the said Secretary

of State or the Local Government Board (as the case may be) shall after 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 said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act or of any other Act the powers of which are extended by 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 said Secretary of State or the Local Government Board (as the

A.D. 1901. case may be) 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 beyond London 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 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 endorsed with notice of this enactment :

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he or they may see fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the county of London.

(9) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Company for the purpose of any scheme under this section beyond London.

(10) The said Secretary of State or the Local Government Board (as the case may be) may direct any inquiries to be held which he or they may deem necessary in relation to any scheme under this section or to the carrying out thereof and for giving effect to any of the provisions of this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(11) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12) 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.

(13) Any houses purchased or acquired by the Company for or in connexion with any of the purposes of this Act or of any other Act the powers of which are extended by this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act (or of such other Act as the case may be) and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) 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 said Secretary of State or the Local Government Board (as the case may be) 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

A.D. 1901. in the opinion of the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling; and

The expression “labouring class” means mechanics artizans 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.

Owners may be required to sell part only of certain property.

42. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that a portion only of the property numbered on the deposited plans 81 in the parish of Little Bytham will be sufficient for the purposes of the Company and that such portion can be severed from the remainder of the said property without material detriment thereto Therefore the following provisions shall have effect:—

(1) If for twenty-one days after the service of notice to treat in respect of a portion of the said property the owner thereof or any persons interested therein (who are herein-after included in the term “the owner”) shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(2) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as the tribunal) shall in addition to the other questions required to be determined by it determine whether the portion of property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less

than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

- (3) If the tribunal determine that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (4) If the tribunal determine that the portion of the property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (5) If the tribunal determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (6) If the tribunal determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the property or any part thereof is or is not or but for this section would or

A.D. 1901. would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Company empowered or may be required to underpin or otherwise strengthen houses near works.

43. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the works by this Act authorised it may be necessary to underpin or otherwise strengthen such houses and buildings Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall (subject as hereinafter provided) underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them

by reason of the exercise of the powers granted by this enactment: A.D. 1901.

- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

44. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are already or which by virtue of any Act to be passed during the present session of Parliament they may be authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole one million five hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company and such new ordinary

Company may apply their funds towards purposes of Act and may raise additional capital.

A.D. 1901. — shares or stock may if the Company think fit be created and issued in accordance with the provisions of section 7 of the Great Northern Railway (Capital) Act 1890.

Shares or stock not to vest until fifth part paid up.

45. The Company shall not issue any share created under the authority of this Act nor shall any such 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.

Votes in respect of new shares.

46. The Company may from time to time if they think fit attach to all or any new shares or any class of new shares created under the powers of this Act any total or partial permanent or temporary restriction of the rights of voting and other qualification of the holders thereof. Shares to which any such restriction shall be attached shall be distinguished by some special designation.

Shares of same class to have like privileges.

47. All shares of the same class created by the Company under this Act shall confer like privileges and shall bear like dividends or interest and be subject to like restrictions if any.

Power to borrow on mortgage.

48. The Company may from time to time borrow on mortgage of their undertaking any moneys not exceeding in the whole five hundred thousand pounds in respect of the additional capital of one million five hundred thousand pounds by this Act authorised to be raised. Provided that in respect of every one hundred thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole thirty-three thousand three hundred and thirty-three pounds. But no part of any of the before-mentioned sums of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such portion of 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 portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of 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 such portion 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 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 portion of capital is raised by shares that 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.

A.D. 1901.

49. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over 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.

Existing mortgages to have priority.

50. 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.

Debenture stock.

51. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the Company being in every case purposes to which capital is properly applicable.

Application of moneys.

52. If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of the Company 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.

53. The provisions of the foregoing sections of this Act the marginal notes whereof are respectively—

“Period for compulsory purchase of lands”; and

“As to taking houses of labouring class”

shall extend and apply mutatis mutandis to the West Riding Railway Committee and the Central Company in respect of the powers by this Act granted to the said Committee.

Provisions of certain sections of Act applied to West Riding Railway Committee.

A.D. 1901.

Power to
West Riding
Railway
Committee
to apply
corporate
funds to
purposes of
Act.

54. The West Riding Railway Committee and the Central Company with respect to the powers conferred by this Act upon that committee may apply to the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they now have in their respective hands or which they respectively have power to raise by shares stock debenture stock or mortgage by virtue of any Acts relating to them and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest not
to be paid
on calls
paid up.

55. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other 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.

56. 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.

57. 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 passed before or after the commencement of this Act 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.

Costs of Act.

58. 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.

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