CHAPTER lxxx.

An Act for conferring further Powers on the Great Northern Railway Company with relation to their Undertaking; and for other purposes. [12th July 1877.]

A.D. 1877.

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

(1.) To make a deviation in their Dewsbury Line and Extension Railway, authorised by "The Great Northern Railway Act, 1871," and by "The Great Northern Railway (Various Powers) Act, 1872" (section 10), and to abandon so much of that railway as will become unnecessary by reason of the said deviation; 34 & 35 Vict. c. clxii. 35 & 36 Vict. c. cxxviii.

(2.) To purchase certain additional lands, and to stop up or divert certain footpaths:

And whereas by said Act of 1872 (section 24) certain provisions were made with respect to the construction of the Company's works at Dewsbury; and it is expedient that the said provisions, so far as they relate to Crackenedge Lane and Battye Street, in the borough of Dewsbury, should be amended:

And whereas it is expedient that the Company should have further time for the construction and completion of the following railways; (that is to say,)

The railways authorised by "The Great Northern Railway (Newark and Melton) Act, 1872," the time for the completion of which expires on the 6th day of August 1877; 35 & 36 Vict. c. clxvii.

The railways authorised by "The Great Northern Railway (Melton to Leicester) Act, 1873," the time for the completion of which expires on the 28th day of July 1878; 36 & 37 Vict. c. ccviii.

The deviations in the said railways authorised by "The Great Northern Railway (Deviations) Act, 1874," the time for the completion of which is the same as that for the completion of the original lines; 37 & 38 Vict. c. xcv.

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The railways authorised by "The Great Northern Railway (Additional Powers) Act, 1873," the time for the completion of which expires on the 7th day of July 1877;

36 & 37 Vict. c. xc.

37 & 38 Vict. c. clviii.

The railways authorised by "The Great Northern Railway (Further Powers) Act, 1874," the time for the completion of which expires on the 30th day of July 1879;

And also that the periods limited for the compulsory purchase of lands for the purposes of the railways and works authorised by the said "Deviations Act, 1874," and by the said "Further Powers Act, 1874," respectively, should be extended:

And whereas it is expedient that the Company should be enabled to raise capital for the purposes of this Act, and also to raise additional capital for the improvement and enlargement of their railways, stations, and works, and the construction of new stations and sidings, and for the providing of additional rolling stock, and other the general purposes of their undertaking:

13 & 14 Vict. c. lxi.

And whereas it is expedient that the rates, tolls, and charges which the Company are entitled to charge by "The Great Northern Railway and East Lincolnshire Railway Acts Amendment Act, 1850," for the conveyance of cattle and animals upon the railways of the Company should be altered:

And whereas since the year 1850 the Company have been in the habit of drawing water from the River Nene at Peterborough, for the purpose of supplying their station and works; and it is essential for the convenient conduct of their undertaking that they should be empowered to continue to derive from the River Nene such supply for a limited period:

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 railway and works authorised by this Act, and the lands to be taken for the purposes thereof, and plans of the additional lands which the Company are authorised to take 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 parts of Kesteven and the parts of Lindsey in Lincolnshire, for the counties of Nottingham, Derby, Cambridge, Northampton, Hertford, Leicester, Huntingdon, Lincoln, Peterborough, and Middlesex, and for the west riding of Yorkshire, and the said documents are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Great Northern Railway Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are, excepting where the same are expressly varied by this Act, incorporated with and form part of this Act; namely,

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

"The Railways Clauses Consolidation Act, 1845;" and

Parts 1 and 2 of "The Railways Clauses Act, 1863," relating respectively to the construction of a railway and to extension of time.

Certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. extended to this Act.

3. Subject to the provisions of this Act, all the provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

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 nonpayment 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 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 1, 2, and 3 of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock,

shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock, or mortgage, and to the proprietors thereof.

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Interpretation of terms.

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

Power to make railway, &c. according to deposited plans.

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 railway and works herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes; (that is to say,)

A railway 5 furlongs 7·80 chains in length, in the township and parish of Dewsbury, in the west riding of Yorkshire, to commence by a junction with the Company's Dewsbury Line and Extension Railway near the crossing of Greaves Road by that railway, and to terminate by a junction with the railway from Ossett to Dewsbury, authorised by "The Great Northern Railway Act, 1871," near to and south of the bridge which carries the last-mentioned railway over the footpath leading from Earlsheaton to Dewsbury; and the Company may abandon so much of the said Dewsbury Line and Extension Railway authorised by the said Act and by "The Great Northern Railway (Various Powers) Act, 1872," as lies between a point in the said parish of Dewsbury fifty yards or thereabouts northward of the said crossing of Greaves Road and the authorised termination of that railway at its junction with the Company's existing Ossett and Dewsbury Railway.

Railway to form part of Great Northern Railway.

6. Subject to the provisions of this Act, the railway and the works connected therewith executed under the authority of this Act shall, for the purposes of toll and all other purposes whatsoever, be part of the Great Northern Railway and of the undertaking of the Company.

Period for completion of railway.

7. If the railway herein-before authorised by this Act is not completed within three years from the passing of this Act, then on the expiration of that period the powers by this Act granted for

making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Land for extraordinary purposes.

8. The quantity of land to be taken by the Company under the powers of this Act by agreement in connexion with their undertaking for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed three acres.

Compensation to be made in respect of portion of railway abandoned.

9. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the said Dewsbury Line and Extension Railway herein-before authorised to be abandoned, the Company shall be released from all liability to purchase or to complete the purchase of any such lands, but nevertheless full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation for damage to land by entry, &c. for purposes of portion of railway abandoned.

10. The abandonment by the Company of the portion of the Dewsbury Line and Extension Railway authorised by the said "Great Northern Railway Act, 1871," and "The Great Northern Railway (Various Powers) Act, 1872," which is by this Act authorised to be abandoned, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of the said portion of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company for the purpose of such portion of railway to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in "The Railways Clauses Consolidation Act, 1845," or "The Great Northern Railway Act, 1871," or "The Great Northern Railway (Various Powers) Act, 1872."

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Extension of time for compulsory purchase of lands.

11. The powers of the Company for the compulsory purchase of lands for the purposes next herein-after mentioned are hereby extended for the periods herein-after respectively mentioned, but the said powers shall not be exercised after the expiration of the said periods:

For the purposes of the railways and works authorised by "The Great Northern Railway (Deviations) Act, 1874," until the sixteenth day of July one thousand eight hundred and seventy-eight:

For the purposes of the railways and works authorised by "The Great Northern Railway (Further Powers) Act, 1874," other than the railways in Middlesex, at Codnor Park, at Derby, and the alterations of the Derbyshire and Staffordshire Railway, until the thirtieth day of July one thousand eight hundred and seventy-eight.

Extension of time for completion of certain railways, &c.

12. The respective periods limited for the construction and completion of the following railways and works are hereby extended as follows; (that is to say,)

With respect to the railways and works authorised by "The Great Northern Railway (Newark and Melton) Act, 1872," as the same are varied by "The Great Northern Railway (Deviations) Act, 1874," until the sixth day of August one thousand eight hundred and seventy-nine:

With respect to the railways and works authorised by "The Great Northern Railway (Melton to Leicester) Act, 1873," as the same are varied by "The Great Northern Railway (Deviations) Act, 1874," until the twenty-eighth day of July one thousand eight hundred and eighty:

With respect to the railways and works authorised by "The Great Northern Railway (Additional Powers) Act, 1873," until the seventh day of July one thousand eight hundred and seventy-nine.

Penalty unless railways are opened within the time limited.

13. If the Company fail to complete the railways which they are herein-before authorised to construct or complete within the periods respectively limited by this Act for those purposes, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the railway in respect of which such default has been made is completed and opened for public traffic, 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 in accordance with the

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provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, 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 and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, 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 was prevented from completing or opening such line 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.

Application of penalty.

14. 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation 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 Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be 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 be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the

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liquidator or liquidators of the Company, or be otherwise applied as parts of the assets of the Company for the benefit of the creditors thereof.

For protection of the Corporation of Dewsbury.

15. Whereas an arrangement was come to between the Company and the mayor, aldermen, and burgesses of the borough of Dewsbury (in this section called the corporation) with respect to the construction in that borough of works for the said Dewsbury Line and Extension Railway, which arrangement was embodied partly in an agreement dated the eighteenth day of April 1872, and made between the Company of the one part and the corporation of the other part, and partly in section 24 of the "Great Northern Railway (Various Powers) Act, 1872:" And whereas the deviation of that railway by this Act authorised renders other provisions necessary in lieu of those contained in the said section and agreement: Therefore section 24 of the "Great Northern Railway (Various Powers) Act, 1872," is hereby repealed, and the following provisions shall have effect and be binding on the Company and the corporation; (that is to say,)

(1.) The said agreement dated the 18th day of April 1872 is hereby cancelled:

(2.) Before the Company alter or permanently stop up Greaves Road they shall make, pave, or macadamize and sewer a new substituted road not less than twelve yards wide, and connecting Crackenedge Lane with Bradford Road, and shall lay down on each side of the substituted road a kerbed and flagged causeway not less than six feet wide:

(3.) Such new road shall be in such situation south of and contiguous to Greaves Road, and be constructed with such gradient as shall be agreed on between the engineer to the Company and the surveyor to the borough, or as, failing such agreement, shall be determined by an engineer or surveyor to be appointed by the Board of Trade upon the application of the Company or the corporation. The cost of such reference shall be paid by the Company:

(4.) So soon as the substituted road shall have been completed to the reasonable satisfaction of the corporation, they shall accept the same as and it shall thenceforth be a public highway, and be repairable by the corporation accordingly:

(5.) Before the Company stop up Maltkiln Lane they shall pay to the corporation the sum of five hundred pounds, and thereupon all the rights of the corporation (if any) therein shall vest in the Company, except that the set stones now

laid down in and along Maltkiln Lane shall be and continue the property and shall be removed by and at the cost of the corporation upon the application of the Company:

(6.) The railway shall be carried across Crackenedge Lane by means of a bridge, the under side of which shall be not less than seventeen feet six inches in height above every part of the surface of the carriage-road thereunder:

(7.) Before the Company divert or obstruct the traffic along Crackenedge Lane and Battye Street they shall make at their own expense in substitution for such streets, and to the reasonable satisfaction of the corporation, new roads, not less than twelve yards wide, which shall thereafter be repairable in the manner in which and by the persons by whom Crackenedge Lane and Battye Street are now repairable:

(8.) The Company shall construct the crown or arch of the tunnels under Greaves Road, Leeds Road, and Wakefield Road respectively of sufficient strength to carry the weight of the traffic now using the said roads respectively:

(9.) The Company shall not, unless with the previous consent of the corporation in writing under the hand of their town clerk, alter or make steeper the gradient of the said Leeds Road as it exists at the passing of this Act:

(10.) The Company shall provide, to the reasonable satisfaction of the corporation, according to plans and sections to be agreed upon between the surveyor of the said borough and the engineer of the Company, or, in default of such agreement, to be approved by an engineer to be appointed by the Board of Trade, sufficient sewers and drains in lieu of any sewers or drains intercepted or interfered with by the Company; the cost of such reference shall be borne equally by the Company and the corporation:

(11.) The substituted sewers and drains shall be vested in the corporation in like manner as are the sewers and drains for which they shall have been respectively substituted:

(12.) The corporation shall at all times have free and uninterrupted access to any such substituted sewers and drains, and the full right to connect therewith any existing or future branch drains; provided that in the exercise of this power they shall not interfere with the structure of nor impede the traffic on the railway, and shall make good any damage caused thereby to the property of the Company:

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(13.) Nothing herein-before contained shall exempt the Company from the provisions of the "Railways Clauses Consolidation Act, 1845," or any other Public General Act relating to highways, streets, sewers, or drains, or gas or water pipes, except so far as the like matters are herein-before specifically provided for:

(14.) The Company and the corporation may from time to time enter into and carry into effect agreements for the variation of any works to be executed under the powers of this Act, or the mode of executing the same:

(15.) If any question arise between the Company and the corporation touching the provisions of this section, or anything to be done or not to be done hereunder, for the settlement of which provision has not already been by this section made, such question shall be determined by an arbitrator to be agreed upon between the Company and the corporation, or, in default of agreement, to be appointed by the Board of Trade upon the application of either party, and the costs of and incident to such appointment and arbitration shall be in the discretion of the arbitrator.

Footpath at Barnet.

16. The Company may divert so much of the footpath in the parish of East Barnet in the county of Hertford leading from Whetstone to East Barnet as lies between the point where that footpath crosses the boundary between the counties of Hertford and Middlesex and the east side of the Great Northern Railway, $3\frac{1}{4}$ chains or thereabouts, measured in a north-westerly direction, from the signal box on the Great Northern Railway at Oakleigh Park Station, and may carry the same over the said railway by the foot bridge recently erected at the north end of that station, and may stop up and extinguish all rights of way in and over so much of the present footpath as is intended to be diverted as aforesaid, and the site and soil thereof, so far as the same is between the fences of the Company's railway, shall be vested in the Company: Provided that the Company shall at all times after the closing of the present footpath maintain the substituted footpath and the bridge over the railway in good repair and open at all times for the public use.

Footpaths at Bottesford.

17. The Company may stop up and extinguish all rights of way in and over so much of the footpath leading from Orston to Bottesford, in the parish of Bottesford in the county of Leicester, as passes through the fields in the said parish of Bottesford numbered respectively 1, 2, 3, 6, 9, 10, and 11 on that part of the plans deposited for the purposes of the "Great Northern Railway (Newark

and Melton) Act, 1872," which relates to Railway No. 4 by that Act authorised, and over so much of another footpath leading from Alverton to Bottesford in the same parish as passes through the fields numbered respectively 13, 14, and 15 on that part of the said deposited plans which relates to Railway No. 1 by that Act authorised, and the fields numbered respectively 7, 10, and 11 on that part of the said deposited plans which relates to Railway No. 2 by that Act authorised, and the Company may appropriate so much of the soil and freehold of the said footpaths as is bounded on both sides by lands belonging to the Great Northern Railway Company and the Great Northern and London and North-western Railways Joint Committee.

Power to purchase additional lands.

18. 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 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; (that is to say,)

Lands in the parish of Saint John at Hackney in the county of Middlesex, lying between Sidney Road and Gainsborough Road and adjoining the North London Railway on the north side thereof, and the Company may divert the footpath leading from the said Sidney Road to Gainsborough Road according to the line shown upon a plan signed in duplicate by James Lovegrove on behalf of the Board of Works for the Hackney District, and Richard Johnson on behalf of the Company. The Company shall also construct the said diverted path with such fall and cover the same with such material as the surveyor to the Board shall direct, and shall also provide for the drainage of the said path. The Company shall also widen the Sidney Road to the width of forty feet, measured from the fence on the west side thereof, as is also shown on the aforesaid plan, and cover the portion of ground thus added to the road with such materials as the said surveyor of the Board shall direct. When the said diverted footpath is made, the Company may extinguish all rights of way in and over the said footpath so intended to be stopped up, and the site and soil thereof between the fences of the Company's lands shall be vested in the Company:

Lands in the parish of Saint Mary Islington in the county of Middlesex, situated in and being Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, Frederick Street, Caledonian Road:

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Lands in the same parish adjoining the Company's railway and the Company's cattle station at the Caledonian Road: Provided that nothing contained in this Act shall authorise the Company nor shall the Company erect any coal lifts on the said lands in Frederick Street, or in any way unnecessarily interfere with the roads and footpaths in the said street, without the consent in writing of the vestry of Saint Mary Islington being first obtained:

Lands in the parish of Saint Mary Hornsey adjoining the Great Northern Railway on the west side thereof, and lying between the mile post denoting $3\frac{1}{2}$ miles from London and their Hornsey Station, and the Company may stop up the footpath leading from Crouch End and Finsbury Park to the public road near the Hornsey Railway Station, which path now crosses the said lands lying on the west side of the Company's railway, and may extinguish all rights of way in and over the said footpath intended to be stopped up:

Lands in the parish of Offord Cluny in the county of Huntingdon adjoining the Offord Station of the Company's railway, on the east side thereof:

Lands in the parish of Saint Mark Peterborough in the county of Northampton lying between the railway of the Company and the turnpike road leading from Walton to Peterborough, and between the Company's works at New England and the Peterborough and Wisbeach Branch of the Midland Railway, and extending on the north-west side thereof:

Lands in the parish of Newark in the county of Nottingham adjoining the Company's railway on both sides thereof, and lying between a point about 10 chains south of the bridge carrying Clay Lane over the then Newark Station:

Lands in the parish of Ordsall in the county of Nottingham on both sides of the Company's railway, about 15 chains, measured along the said railway, in a south-easterly direction from the bridge carrying the said railway over the River Idle to the south side of the Manchester, Sheffield, and Lincolnshire Railway: Provided that the Company shall not, unless with the consent of the Manchester, Sheffield, and Lincolnshire Railway Company, under their common seal, enter upon, take, or use any of the land in the parish of Ordsall which is coloured blue on a plan signed in duplicate by Richard Johnson on behalf of the Company, and Charles Sacrè on behalf of the Manchester, Sheffield, and Lincolnshire Railway Company:

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Lands in the parishes of Cantley, Loversall, Doncaster, and Balby-with-Hexthorpe or Doncaster in the west riding of the county of York, adjoining the Company's railway and on both sides thereof, and extending from Black Carr Junction to the sorting sidings of the Company south of Balby Bridge: Provided, that if the Company shall enter upon and take any of the lands belonging to the Corporation of Doncaster shown on the deposited plans, and shall lay down any lines or sidings on such lands, they shall construct and at all times thereafter maintain over their railway at the Red Bank, otherwise the Decoy Bank, near to the Decoy Wood between the Decoy and Balby Banks, a bridge of the clear width of twenty-one feet, and when the said bridge shall be completed and fit for public use the Company may stop up and discontinue the following level crossings over their railway in the parish of Doncaster and township of Balby-with-Hexthorpe, namely, the existing level crossing at the point aforesaid by the road numbered on the deposited plans 13 and 33, the level crossing by the road numbered on the said plans 21 and 27, and also the level crossing by the occupation road leading from the field numbered 5 to the road numbered 38: Provided always, nevertheless, that notwithstanding anything herein contained the Decoy and Balby Banks shall still continue to be used as roads:

Lands in the parish of Sedgebrook in the parts of Kesteven in the county of Lincoln, adjoining the Sedgebrook Station of the Nottingham and Grantham Railway of the Company, on the south side thereof; and the Company may divert so much of a certain public footpath as lies between its junction with the road leading from Sedgebrook to Allington and a point about 5 chains, measured in a south-easterly direction along the said footpath, from the said junction with the road leading from Sedgebrook to Allington, and all rights of way in and over the said portion of footpath so intended to be stopped up as aforesaid shall, after the new footpath has been made, be extinguished, and the site and soil thereof shall be vested in the Company:

Lands in the parish of Sneinton in the county of Nottingham, north-east of the Nottingham Station of the Company, and bounded on the south and west by the Nottingham and Grantham Railway, the Hermitage Road, Manvers Street, Rock Terrace, Stanley Terrace, and Derby Terrace, and on the north-east by Newark Street, and extending eastwards about 12 chains east of the bridge carrying the Nottingham and Grantham Railway over New Trent Lane:

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Lands in the parishes of Eggington and Marston-on-Dove in the county of Derby, on both sides of the North Staffordshire Railway, and lying between the junctions with the said North Staffordshire Railway and Railways Nos. 7 and 9 authorised by "The Great Northern, Derbyshire, and Staffordshire Act, 1872:"

Lands in the parish of Bracebridge in the city of Lincoln and county of the same city, adjoining the Lincoln and Honington Branch of the Company's railway on both sides thereof:

Lands in the parish of Saint Andrew-the-Less in the county of Cambridge, on the west side of the Great Northern Railway Station, and lying between Hills Road and Messrs. Foster's Corn Depôt, but as to such of those lands as belong or are reputed to belong to the Great Eastern Railway Company, the same shall not be purchased without the consent in writing of that company under their common seal:

Lands in the parish of Wakefield in the west riding of the county of York, situate on the south side of the Company's Railway, and lying between Balne Lane and the junction of the Ossett Branch of the said railway: Provided that nothing contained in this Act, or in the deposited plans or book of reference, shall enable the Company to enter upon, take, or use the road numbered 30 upon the said plans in the parish of Wakefield, or to close or prejudicially interfere with the footpath shown on the said plans on the western side of the land numbered 32 on the same plans in the same parish:

Lands in the township of Horton and parish of Bradford in the west riding of the county of York, bounded on the north by the Bradford Beck, on the west by the Bradford and Thornton Railway, and on the east by Field Head Dyeworks.

Providing for local rates, and for protection of sewers, &c.

19. Section 7 of "The Great Northern Railway Act, 1875," whereof the marginal note is, "Local rates to be made good in the "parish of Saint Mary Islington," and section 8 of the same Act, whereof the marginal note is, "For the protection of sewers of "Metropolitan and other boards," shall apply to the lands and property in the said parish to be taken by the Company under the powers of this Act, and to the works which the Company are by this Act authorised to construct within the limits of the Metropolis, as defined by "The Metropolis Management Act, 1855."

For the protection of E. H. Chapman's trustees.

20. The Company shall not, except as herein-after provided, enter upon, take, or in any way interfere with the private carriage-road No. 10 in the deposited plans of additional lands in the parish of Hornsey belonging to the trustees of the late Edward Henry Chapman (herein-after called "the trustees"), or any other lands

of the trustees; and in executing any works upon the lands adjoining the said road or over such road shall be bound by the following provisions:

(*a.*) The Company may purchase and take, and the trustees shall sell and grant, subject to the provisions of this Act, an easement over the said road, but only for the purpose of executing and maintaining the works herein-after described:

(*b.*) The Company may widen the existing bridge now carrying the main line of their railway over the said road to the extent of thirty feet, measured at right angles from the outside of the western parapet of the existing bridge to the outside of the parapet of the bridge when widened, but to no greater extent; such widening to be constructed in brick arching over the said road, of the same character and with the same head room as that of the existing bridge, and with a span of thirty-five feet:

(*c.*) The Company may also construct not more than one arch over the said road, of a similar character and with the same head room and span as that of the said widening of the existing bridge, for carrying new lines and sidings over the said road, and for enabling the Company to gain access to lands belonging to them and adjoining the said road; the width of such bridge between the parapets, measured at right angles thereto, shall not exceed thirty feet, and such bridge shall be constructed as nearly as possible in accordance with a plan signed in duplicate by J. J. Morgan, solicitor to the trustees, and Richard Johnson, engineer of the Company, unless otherwise agreed in writing between the trustees and the engineer for the time being of the Company:

(*d.*) An open space of ground shall be left between the said widening and the said additional bridge, so that such widening and bridge shall not form one continuous arch over the said road, and such open space shall be of such dimensions that the western parapet of the existing bridge when widened shall be distant not less than forty-five feet on the north side of the said road from the eastern parapet of the proposed new bridge on the same side of the said road, as shown on the signed plan, and that there shall be at least one hundred and fifty feet of uninterrupted light and air from north to south of such open space, of which at least fifty feet shall be upon the north side, and at least seventy feet on the south side of the said road. The said

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open space shall be, as nearly as possible, of the shape and dimensions shown on the signed plans, and shall in no case have less superficial area than is shown thereon:

(*e.*) The trustees shall give the Company every reasonable facility for enabling them to construct the said widening and additional bridge over the said road, and otherwise executing and maintaining the said works:

(*f.*) The Company shall always maintain in good and substantial repair and keep watertight the said bridges and works:

(*g.*) In case of difference between the trustees and the Company, the same shall be referred to the final decision of a competent engineer, to be appointed by the Board of Trade on the application of either party.

Power to take easements, &c. by agreement.

21. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege 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 last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, or privileges as aforesaid.

Period for compulsory purchase of lands.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act, where no period has already been fixed for such purchase, shall not be exercised after the expiration of three years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

23. The Company shall, eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

24. Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree)

procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Company may take water from the River Nene.

25. The Company may continue to take water as hitherto they have taken it from the River Nene in the parish of Saint John the Baptist in Peterborough, and may maintain, repair, renew, and enlarge the pipes, valves, and apparatus now used by them for conveying water from the River Nene to their station and works at or near Peterborough, subject to the following provisoes and conditions:

(1.) The said powers may be exercised for the period of eight years from the passing of this Act, but no longer, and shall be available only for the Company for use at their said station and works at or near Peterborough, and the supply of their locomotive engines:

(2.) All such pipes, valves, and apparatus shall be placed and maintained at a level of not less than four feet under the ordinary surface of the water in the river in summer:

(3.) The said pipes, valves, and apparatus, and other works connected therewith, and all necessary and contingent works, whether temporary or permanent, shall be executed according to drawings and specifications to be submitted to and approved of by the engineer for the time being of the Nene Valley Drainage and Navigation Improvement Commissioners (Second District) previously to the commencement of the works, and shall be commenced, carried on, and completed to the reasonable satisfaction of such engineer, and so that no obstruction or interruption shall be caused during the construction or after the completion thereof to the boats or barges passing along the said River Nene, or to the horses hauling the same, or to drainage by such river, and the reasonable costs of such engineer shall be borne by the Company:

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(4.) Any dispute which may arise between the engineers of the Company and of the said Commissioners as to the said drawings and specifications, and as to the carrying on and completion of the works, shall be settled by arbitration in manner provided by "The Railways Clauses Consolidation Act, 1845."

As to fences of railways.

26. Notwithstanding anything contained in the 11th section of "The Great Northern Railway (Newark and Melton) Act, 1872," the fences of the railways authorised by the said Act shall, at intervals of not more than two furlongs, and for a space of at least twenty yards, not exceed three feet and a half in height.

For protection of Post Office telegraphs.

27. For the protection of the telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway or works connected therewith, be it enacted as follows:

Notice to be given before interfering with telegraphs.

If in the execution of the works authorised by this Act it shall be necessary to alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto, and if the Postmaster General shall before the expiration of one calendar month after the service upon him of the said notice from the Company give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be executed by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense, to the satisfaction in all respects of the Postmaster General:

Compensation by Company to

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Post-

master General for any expense, loss, or damage which he put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Postmaster General, and penalty.

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General, or of the Company, under or by virtue of "The Telegraph Act, 1868," or any agreement between the Company and the Postmaster General.

Saving for Telegraph Act and agreements.

28. The Managing Committee appointed in pursuance of "The Great Northern Railway (Various Powers) Act, 1872," for the control and superintendence of the funds for the payment of superannuation and other retiring allowances to the salaried and other officers and servants of the Company may, at their discretion, where there is no legal personal representative of a deceased contributing member, pay to his widow and children, or either or any of such persons, any sum not exceeding fifty pounds, payable in respect of the claim of such member on the fund, without requiring the receipt or discharge of a legally constituted representative of such member; and the fund and the committee shall not be liable to any further payment to the estate or to the representative of such contributing member.

Providing for certain payments out of Superannuation Fund.

29. Notwithstanding anything contained in "The Great Northern and East Lincolnshire Railway Acts Amendment Act, 1850," the Company may demand and take in respect of animals and cattle conveyed upon any of the railways of the Company—

Tolls and charges for animals and cattle.

For the conveyance of cattle sent by the same person in the same truck any sums not exceeding the following; (that is to say,)

For a truck capable of containing and not containing more than six oxen, sixpence per mile;

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For a truck capable of containing and not containing more than nine oxen, sevenpence per mile;

And for a truck capable of containing and containing more than nine oxen, eightpence per mile;

For the conveyance of sheep sent by the same person in the same truck, any sums not exceeding the following; (that is to say,)

For a truck capable of containing and not containing more than twenty-five sheep, sixpence per mile;

For a truck capable of containing and not containing more than thirty-five sheep, sevenpence per mile;

For a truck capable of containing a greater number than thirty-five sheep, eightpence per mile.

Power to raise additional capital.

30. The Company from time to time may, for the purposes of this Act and for the general purposes of their undertaking, raise by the creation and issue of shares or stock such sums of money as they shall think necessary, not exceeding two million pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares or stock either wholly or partly as ordinary or wholly or partly as preferential shares or stock, as they may think fit.

Shares or stock not to be issued until one-fifth part thereof shall have been paid up.

31. The Company shall not issue any share or stock created under the authority of this Act, nor shall any such share or stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share or stock shall have been paid in respect thereof.

Qualifications of new shares or stock.

32. Except as by or under the powers of this Act otherwise provided, the new shares or stock issued under the powers of this Act shall, in proportion to the aggregate paid-up amount thereof from time to time held by the same person at the same time, entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like right of voting, as the like amount of existing ordinary shares or stock of the Company.

Power to raise capital under any other Act of this session and this Act by new shares or stock of one class.

33. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act, and any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company, if they think fit, may raise

by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow on mortgage.

34. The Company may from time to time borrow on mortgage additional sums, not exceeding in the whole six hundred and sixty-six thousand six hundred pounds, in respect of the additional capital of two million 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 pounds; but no part of any of the before-mentioned sums of thirty-three thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the whole of such 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 the said portion of 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, if the said 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.

Former mortgages and bonds to have priority.

35. The mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the time of the passing of this Act, shall during the continuance of such mortgages and bonds, but subject to the provisions of the Acts under which such mortgages

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and bonds were respectively granted, have priority over any mortgages granted by virtue of this Act, and 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.

Power to apply corporate funds to purposes of Act.

36. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have power to raise by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Debenture stock.

37. 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.

Application of moneys.

38. All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of this Act and for the general purposes of the Company.

Receipt in case of persons not sui juris.

39. If any money is payable to a holder of shares or stock in 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.

Interest not to be paid on calls paid up.

40. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, 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.

41. 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.

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

42. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels.

Expenses of Act.

43. 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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