CHAPTER lxxxvii.

An Act to authorise the Great Northern Railway Company to construct new railways and works and to acquire lands and for other purposes. A.D. 1912.

[7th August 1912.]

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 widening of railway and works herein-after described;

To stop up and otherwise deal with certain footpaths;

To purchase and acquire lands and easements for those purposes and the general purposes of their undertaking and to hold for any of such purposes certain lands already purchased by or on behalf of the Company:

And whereas by the Tickhill Light Railway Order 1901 (herein-after referred to as "the Order of 1901") the Tickhill Light Railway Company (herein-after referred to as "the Tickhill Company") were incorporated and authorised to construct certain railways in the West Riding of the county of York and in the counties of Nottingham and Lincoln:

And whereas by the Tickhill Light Railway (Amendment and Transfer) Order 1908 (herein-after referred to as "the Order of 1908") which was confirmed by the Board of Trade on the fourth day of November one thousand nine hundred and eight the Company were authorised subject to certain modifications thereby made to exercise instead of the Tickhill Company

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the powers conferred by the Order of 1901 and to construct certain new railways in the said county of Lincoln connecting with the railways authorised by the Order of 1901:

And whereas by the Order of 1908 the time for completion of the railways thereby and by the Order of 1901 respectively authorised was limited to four years from the date of the confirmation of the Order of 1908 by the Board of Trade:

And whereas it is expedient that the time for the completion of the railways respectively authorised by the Order of 1901 and the Order of 1908 should be extended:

And whereas it is expedient that the Company should be empowered in accordance with the provisions of this Act to issue certificates to bearer for any debenture stock created or to be created by them and that such provisions as are contained in this Act with respect to such stock should be made:

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 and 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 or held 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 counties of Leicester Northampton and Nottingham and for the Parts of Holland the Parts of Kesteven and the Parts of Lindsey in Lincolnshire and the West Riding of the county of York and the Soke of Peterborough 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:— A.D. 1912.

PART I.

INTRODUCTORY.

1. This Act may be cited as the Great Northern Railway Act 1912. Short title.

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

Part I.—Introductory.
Part II.—Construction of Works.
Part III.—Lands.
Part IV.—Extension of Time.
Part V.—Miscellaneous Provisions.

3. The following Acts and parts of Acts are (except 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:— 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.

4. In this Act— Interpretation.

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;

The expression "the Company" means the Great Northern Railway Company;

The expression "the railways" means the new railways and works connected therewith by this Act authorised;

The expression "the widening" means the widening of railway and works connected therewith by this Act authorised;

The expressions "the Order of 1901" and "the Order of 1908" mean respectively the Tickhill Light Railway Order 1901 and the Tickhill Light Railway (Amendment and Transfer) Order 1908.

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PART II.

CONSTRUCTION OF WORKS.

Power to Company to make new railways and widening.

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 new railways and widening of railway (including in such widening of railway the altering and improving of and the laying down of additional lines of rails upon such railway) herein-after described with all proper stations junctions lines of rail sidings approaches roads works and conveniences connected therewith respectively.

The new railways and widening herein-before referred to and authorised by this Part of this Act are the following (that is to say):—

NEW RAILWAYS.

RAILWAY FROM WALTHAM TO HIGH DYKE.

A railway (No. 1) (11 miles 6 furlongs 1·85 chains or thereabouts in length) commencing in the parish of Waltham-on-the-Wolds in the county of Leicester by a junction with the Waltham branch railway of the Company near the bridge carrying that branch railway over the public road leading from Harby and Goadby Marwood to Waltham-on-the-Wolds and terminating in the parish of Great Ponton in the Parts of Kesteven in Lincolnshire by a junction with the main line of railway of the Company near their High Dyke signal-box:

A railway (No. 2) (1 mile 1 furlong or thereabouts in length) wholly in the said Parts of Kesteven commencing in the parish of Colsterworth by a junction with Railway No. 1 near the point where the centre line of that railway crosses the south-eastern boundary of Crabtree Road and terminating in the parish of Stainby at a point about ten chains south of the public road leading from Buckminster to Stainby.

RAILWAY TO ROSSINGTON COLLIERY.

A railway (No. 3) (7 furlongs 6·50 chains or thereabouts in length) wholly in the parish of Rossington in the West Riding of the county of York commencing by a junction with the down main line of the Company at a point

thereon about twelve chains south-east of the centre of the bridge carrying the said down line over the River Torne and terminating at the south-western boundary of the field numbered 261 in the said parish of Rossington on the $\frac{1}{2500}$ scale Ordnance map (second edition 1902) Yorkshire sheet No. CCLXXXV. 10.

WIDENING OF EXISTING RAILWAY.

WIDENING AT ROSSINGTON.

A widening of the main line of the Company on the western side thereof wholly in the said parish of Rossington commencing by a junction with the down main line of the Company near the level crossing of the railway of the Company by the public road at the northern end of Rossington Station and terminating by a junction with the down goods line at the southern termination thereof near the bridge carrying the said railway over the Mother Drain.

Tolls &c. on railways and widening.

6. The railways and the widening shall for all purposes including tolls rates and charges form part of the undertaking of the Company.

Period for completion of railways.

7. If the railways 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty unless railways are opened within time limited.

8. If the Company fail within the period limited by this Act to complete the railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the 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 amounts 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

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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 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.

Application of penalty.

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

Power to cross certain roads on level.

10. 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 railways carry the same with a single line only whilst the railways shall consist of a single line

and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):— A.D. 1912.

Nos. on deposited Plans.	Parish or Township.	Description of Road.
5	Bescaby - - - - -	Public road.
22	Sproxton - - - - -	ditto.
37	Sproxton - - - - -	ditto.
2	Buckminster - - - -	
1	Skillington - - - - -	
7	Colsterworth - - - -	ditto.
14	Colsterworth - - - -	ditto.
14	Easton - - - - -	ditto.

Height and span of bridge.

11. The Company may make the arches of the bridge for carrying Railway No. 1 by this Act authorised over the roads respectively numbered on the deposited plans 5 and 6 in the township of North Stoke and 3 in the parish of Great Ponton or any of them of any height not less than fifteen feet and of any span not less than twenty-five feet.

Power to divert footpath.

12. The Company may divert in the lines shown upon the deposited plans the public footpath delineated on the said plans and thereon numbered 9 in the parish of Stainby and subject to the provisions of this Act may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of footpath so shown on the said plans.

Power to divert and stop up footpaths.

13. Subject to the provisions of this Act the Company may in the Parts of Lindsey in Lincolnshire—

(1) In the township or parish of Tattershall Thorpe—

(A) (i) Divert in the lines shown on the deposited plans the existing footpath passing along the southern side of the field numbered 267 in that township or parish on the $\frac{1}{2500}$ scale Ordnance map (second edition 1905) Lincolnshire sheet Number LXXXVIII. 8 such diversion commencing by a junction with the said footpath at a point therein about five chains measured in a south-westerly direction along the said footpath from its junction with the public road leading from Woodhall Spa to Tattershall and terminating by a junction with the said public road at a point about four chains south of the said junction of the existing footpath therewith; and

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(ii) Stop up so much of the said existing footpath as lies between the commencement of the said diversion and the said public road;

(B) (i) Divert in the lines shown on the deposited plans the public footpath passing along the south-eastern side of the field numbered 272 in the said township or parish on the last-mentioned Ordnance map and thence across the field numbered 271 in the said township or parish on the said Ordnance map such diversion commencing by a junction with the said footpath at or near the south-eastern corner of the said first-mentioned field and terminating by a junction with the said footpath at a point about nine chains measured along the said footpath in a north-easterly direction from the said south-eastern corner; and

(ii) Stop up so much of the said existing footpath as lies between the commencement and the termination of the said diversion:

(2) In the township or parish of Tumby—

(A) Divert in the lines shown on the deposited plans the existing footpath leading from Tumby Woodside to Mareham Gate such diversion commencing by a junction with the said footpath near the south-western boundary of the field numbered 420 in the said township or parish on the $\frac{1}{2500}$ scale Ordnance map (second edition 1905) Lincolnshire sheet Number LXXXIX. 11 and terminating by a junction with the public road leading from Tumby Woodside to Mareham-le-Fen at a point therein about fourteen chains south-west of the junction of that road with Moorhouses Road;

(B) Divert in the lines shown on the deposited plans the last-mentioned existing footpath such diversion commencing by a junction with the said footpath at a point therein about twenty-three chains north-east of the commencement of the diversion lastly hereinbefore described and terminating by a junction with the said public road leading to Mareham-le-Fen at a point therein about eleven and a half chains north-east of its junction with Moorhouses Road; and

(c) Stop up so much of the said existing footpath as lies between the respective points of commencement of the said diversions thereof:

(3) In the parish of Coningsby—

Stop up so much of the public footpath leading from Back Lane Coningsby to the Horncastle Road as lies between the south-western boundary of the field numbered 38 in the said parish on the $\frac{1}{2500}$ scale Ordnance map (second edition 1905) Lincolnshire sheet Number LXXXIX. 5 and the junction of the said footpath with another public footpath passing along the south-western side of the field numbered 12 in the said parish on the last-mentioned Ordnance map.

As to stopping up bridle-road and footpaths.

14. Where this Act authorises the diversion of a public footpath or the construction of a new bridle-road or footpath and in connexion therewith the stopping up of an existing public bridle-road or footpath or any portion thereof such stopping up shall not take place until two justices shall have certified that the new bridle-road or footpath has been completed to their satisfaction and is open for public use.

Extinguishing rights of way over bridle-road and footpaths stopped up.

15. As from the date of the stopping up of an existing public bridle-road or footpath or any portion thereof under the powers of this Act all rights of way over or along the existing bridle-road or footpath or portion thereof shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway and to the provisions of this Act with respect to compensation for private rights of way extinguish appropriate and use for the purposes of their undertaking the site and soil of the bridle-road or footpath or the portion of bridle-road or footpath stopped up so far as the same is bounded on both sides by lands of the Company.

Protection of gas and water mains of local authorities.

16. 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

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under the said 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.

Power to deviate in construction of railways widening and works.

17. The Company in constructing the railways widening and works (including the diversions of footpaths) by this Act authorised may deviate from the lines thereof shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet upward or downward.

Underpinning of houses near works.

18. 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 such works it may be necessary to underpin or otherwise strengthen the same 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 herein-after 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 or dispute 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 appointed at the instance of either party by the Board of Trade:

(4) The arbitrator 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:

(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 arbitrator 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 section 68 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 section 92 of the Lands Clauses Consolidation Act 1845.

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

19. 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 the railways or the widening 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.

Repair of roads footpaths &c.

20. All roads and footpaths as diverted under the powers of this Act shall be respectively maintained and repaired by the respective bodies or persons liable to maintain and repair the existing roads and footpaths so diverted.

Agreements with county councils and others as to construction and maintenance of works.

21.—(1) The Company on the one hand and the council of any county borough or district or any company or person on the other hand may enter into and carry into effect any agreements or arrangements for or with respect to the construction of the railways and the widening and works (including the diversions of footpaths and the new bridle-road and footpath) by this Act authorised or any of them and contributions by any such council company or person to the cost of such construction and for or with respect to the maintenance and repair of any diversions of roads or footpaths or the new bridle-road and footpath by this Act authorised.

(2) The purposes of any such agreement shall be deemed to be purposes of the Public Acts under which any county borough or district council being a party to such agreement have jurisdiction and any expenses incurred by such council pursuant or in relation to any such agreement shall be deemed to be expenses incurred for the purposes of those Acts and may be defrayed accordingly.

(3) If any work executed by a county borough or district council in pursuance of any such agreement involves an alteration of a telegraphic line belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration as if the county borough or district council were undertakers within the meaning of that Act.

For protection of Kesteven County Council.

22. For the protection of the county council of the administrative county of the Parts of Kesteven in the county of Lincoln the following provisions shall unless otherwise agreed between

the Company and the said county council apply and have effect in the exercise of the powers of this Act:—

Notwithstanding anything contained in this Act or shown upon the deposited plans the bridge for carrying Railway No. 1 over the Great North Road which is numbered on the deposited plans 28 in the parish of Colsterworth shall have a span of not less than fifty feet (measured at right angles to the abutments thereof) and a headway of not less than seventeen feet (measured from the surface of the roadway to the underside of the girders of the bridge).

For protection of Leicestershire County Council.

23. For the protection of the Leicestershire County Council (in this section referred to as "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Company apply and have effect in the exercise of the powers of this Act:—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the road numbered 25 in the parish of Waltham-on-the-Wolds shall be carried over Railway No. 1 by this Act authorised by means of a bridge:

(2) The said bridge and all necessary approaches embankments parapets fences and incidental works shall be constructed and except as provided by subsection (7) hereof thereafter maintained by the Company in accordance with the provisions of this section:

(3) The said bridge and approaches shall be forty feet wide between the parapets and fences and be constructed in all respects in accordance with the plan marked "A" which has been signed in duplicate by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords):

(4) The said bridge and approaches shall be of a sufficient strength to carry the ordinary traffic lawfully using the road including a fully equipped fifteen-ton steam roller:

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(5) The parapets on either side of the said bridge shall have a height of not less than five feet measured from the roadway of the said bridge and be completely close and the fences on either side of the approaches to the said bridge shall have a height of not less than four feet:

(6) The roadway of the said bridge and approaches shall be macadamised for a width of twenty feet in the middle thereof and the remaining portions of the said roadway shall be properly soiled and seeded with permanent grass seeds and provision shall be made to prevent surface water accumulating or standing on any portion of the roadway:

(7) The Company shall maintain to the reasonable satisfaction of the county council the surface of the roadway of the said bridge and approaches for twelve months from the completion thereof and thereafter the county council shall maintain and repair the same and the Company shall not be under any liability in respect of such surface maintenance:

(8) The Company shall not affix or exhibit or permit to be affixed or exhibited upon the said parapets or fences any advertisements:

(9) Any difference between the county council and the Company under this section shall be referred to a single arbitrator to be appointed failing agreement by the President for the time being of the Institution of Civil Engineers on the application of either party to such difference.

For protection of rural district council of Melton Mowbray.

24. For the protection of the rural district council of Melton Mowbray (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the Company and the council apply and have effect in the exercise of the powers of this Act:—

(1) (A) Notwithstanding anything contained in this Act or shown upon the deposited plans the road numbered on the deposited plans 7 in the parish of Saltby shall be carried over Railway No. 1 by this Act authorised by a bridge The Company may make the said bridge of any width between the parapets not

less than twenty-five feet and the approaches to the said bridge of any gradient not more than one in twenty;

(B) The said bridge and approaches shall be of a sufficient strength to carry the ordinary traffic lawfully using the road including a fully equipped twenty-ton steam roller;

(C) The roadway of the said bridge and approaches shall be metalled and drained to the reasonable satisfaction of the council;

(D) The surface of the roadway of the said bridge and approaches and of the new bridle-road and footpath in the next subsection hereof mentioned shall be maintained and repaired by the Company for twelve months from the completion thereof and thereafter by the council:

(2) (A) The Company may and shall construct to the reasonable satisfaction of the council in the parishes of Saltby and Sproxton a new bridle-road and footpath between the points A and D on the plan marked "B" which has been signed by the Right Honourable the Viscount Hutchinson (Earl of Donoughmore) the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords) in this section called "the signed plan";

(B) On the completion of such new bridle-road and footpath the Company may stop up so much of the existing bridle-road and footpath as lies between the points marked A and B on the signed plan and so much of the existing footpath as lies between the points marked B and C on the signed plan:

(3) Any difference between the council and the Company under this section shall be referred to a single arbitrator to be appointed failing agreement by the President for the time being of the Institution of Civil Engineers on the application of either party to such difference.

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Running powers to London and North Western Railway Company over widening.

25. So far as any portion of any railway of the Company over which the London and North Western Railway Company possess running powers is widened under the powers of this Act such running powers shall extend and apply to the widening of such portion of railway.

For protection of Great Central Railway Company.

26. The Great Central Railway Company shall have and be entitled to the same rights powers and privileges in respect of Railway No. 3 and the widening at Rossington as they now have or are entitled to in respect of the main line of the Company from Retford to Shaftholme Junction under two agreements dated respectively the thirtieth day of January one thousand eight hundred and ninety-two and the ninth day of June one thousand eight hundred and ninety-four and made between the Great Central Railway Company (by their then name of the Manchester Sheffield and Lincolnshire Railway Company) and the Company.

For mutual protection of Rossington Main Colliery Company Limited and Company.

27. The following provisions for the mutual protection of the Rossington Main Colliery Company Limited (in this section called "the Rossington Company") and the Company shall unless otherwise agreed between the Rossington Company and the Company apply and have effect:—

(1) Notwithstanding anything contained in this Act or shown upon the deposited plans the Company shall not under the powers of this Act (save as herein-after provided) enter upon purchase or take or use compulsorily the estate or interest of the Rossington Company in any part of the fields numbered 249 250 and 260 respectively on the plan marked "C" which has been signed by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords and which plan is herein-after called "the signed plan") but the Company shall purchase and the Rossington Company shall sell and grant an easement or right of constructing and (so long as any coal is worked or gotten from the proposed colliery of the Rossington Company) of

maintaining on the fields numbered respectively 260 250 246 247 and 233 on the signed plan (A) a running road connecting the said Railway No. 3 at the termination thereof at the south-western boundary of field No. 261 as shown on the signed plan with the connecting line (No. 2) to be constructed by the Rossington Company as herein-after provided and (B) a run-round road Such running road and run-round road to be constructed in the positions coloured red on the signed plan or in such other positions as may be agreed on or settled by arbitration as herein-after provided together with all proper points and conveniences connected therewith:

(2) The Company shall construct the said running road and run-round road including all proper points and conveniences connected therewith forthwith after the aforesaid easement has been granted and shall thereafter maintain the same so long as any coal is worked or gotten from the proposed colliery of the Rossington Company:

(3) The Rossington Company shall construct and complete and subsequently (so long as any coal is worked or gotten from the proposed colliery of the Rossington Company) maintain on their own land (A) sufficient sidings (including sidings for full and empty waggons) for the accommodation of the traffic to and from their proposed colliery with all necessary points and conveniences connected therewith in the positions roughly indicated by blue lines on the signed plan or in such other positions as the Rossington Company may (subject to the reasonable approval of the Company) determine (B) a connecting line (No. 1) connecting Railway No. 3 by this Act authorised at its termination as shown on the signed plan with the Rossington Company's full sidings in the position coloured green on the signed plan and thereon marked AB or in such other position as the Rossington Company may (subject to the reasonable approval of the Company) determine and (c) a connecting line (No. 2) connecting the running road to be constructed by the Company as aforesaid with the Rossington

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Company's empty sidings in the position coloured green on the signed plan and thereon marked CD or in such other position as the Rossington Company may (subject to the reasonable approval of the Company) determine:

(4) The said connecting lines shall be constructed as soon as the aforesaid easement is granted to the Company and the said sidings shall be constructed from time to time as the requirements of the colliery company's traffic may render them necessary or convenient:

(5) The Company shall purchase and the Rossington Company shall sell and grant (A) an exclusive easement or right (so long as any coal is worked or gotten from the proposed colliery of the Rossington Company) for the purpose of dealing with the Rossington Company's traffic but (except with the permission of the Rossington Company) not further or otherwise to run over and use with the Company's engines carriages and waggons officers and servants the said running road and run-round road to be constructed by the Company as aforesaid and (B) an easement or right (so long as any coal is worked or gotten from the proposed colliery of the Rossington Company) for the purpose of dealing with the traffic of the Rossington Company but (except with the permission of the Rossington Company) not further or otherwise to run over and use with the Company's engines carriages and waggons officers and servants (in common with the holders of any other easement which may at any time hereafter be granted by the Rossington Company to other companies or persons) the said connecting lines to be constructed by the Rossington Company as aforesaid and (C) a right (so long as any coal is worked or gotten from the proposed colliery of the Rossington Company) for the purpose of dealing with the traffic of the Rossington Company but (except with the permission of Rossington Company) not further or otherwise to enter with the Company's engines carriages and waggons officers and servants (in common with the holders of any other right which may at any time hereafter be granted by the

Rossington Company to other companies or persons) (i) the said sidings for empty waggons (when constructed by the Rossington Company as aforesaid) by the said connecting line (No. 2) so far as may be necessary to enable the Company to haul empty waggons or trucks into such empty sidings and (ii) the said sidings for full waggons (when constructed by the Rossington Company as aforesaid) by the said connecting line (No. 1) so far as may be necessary to enable the Company to haul or take out waggons or trucks when filled by the Rossington Company from such full sidings Provided always that in exercising either of the easements or rights (B) and (C) referred to in this subsection the working of the Rossington Company's traffic by the Rossington Company or by any other railway company or individual whether along or across on the level or over or under the said connecting lines sidings and other lines as aforesaid shall not be unreasonably interfered with by the Company :

(6) The consideration to be paid by the Company to the Rossington Company for the easements in subsections (1) and (5) referred to shall be the sum of one pound per annum payable annually on the first day of January in every year :

(7) The Rossington Company shall be at liberty without making any payment to the Company to construct maintain and use or to grant to any other companies or persons the right to construct maintain and use a running road or siding or running roads or sidings under over or across on the level or connecting with the said connecting lines (Nos. 1 and 2) to be constructed by the Rossington Company as aforesaid or under over or across on the level the running road or run-round road to be constructed by the Company as aforesaid Provided always that such running road or siding or running roads or sidings shall be constructed under over or across on the level or connect with the said connecting lines or under over or across on the level the said running road or run-round road to be constructed by the Company at such respective

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points and in such manner as the Company may reasonably approve and so as not to unreasonably interfere with the working of the traffic over the said connecting lines to be constructed by the Rossington Company or over the said running road or run-round road to be constructed by the Company:

(8) In case any difference shall arise as to the site of the running road or run-round road to be constructed by the Company or as to whether the approval of the Company of any work is unreasonably withheld the same shall be referred to an engineer to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

Part III.

Lands.

Power to purchase lands delineated on deposited plans.

28. Subject to the provisions of this Act the Company may enter upon take use and purchase compulsorily or by agreement for the construction of the railways the widening and the other works by this Act authorised (including in such works for the purposes of this section the diversions of footpaths and the new bridle-road and footpath by this Act authorised) and for the general purposes of their undertaking all or any of the lands delineated on the deposited plans and described in the deposited books of reference as intended to be taken or used for the purposes of the said railways widening and works respectively and may hold and use for all or any of the said purposes such of the said lands as have already been purchased by or on behalf of the Company and the same shall be deemed to be lands acquired compulsorily under the powers of this Act.

Power to purchase additional lands.

29. 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 take use and purchase 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 and use for all or any of the purposes of their undertaking such of the lands herein-after described as have already been

purchased by or on behalf of the Company and the same shall be deemed to be lands acquired compulsorily under the powers of this Act (that is to say):—

In the Soke of Peterborough and county of Northampton:—

Lands at Walton in the hamlet of Walton—

(A) A strip of land adjoining the main line of the Company on the north-eastern side thereof bounded on the south-east by property of the Company and on the north-west by the occupation road crossing the said main line on the level at about four chains south of the mile-post denoting 78½ miles from London;

(B) A piece of land forming part of the occupation road which is crossed by a branch or siding from the said main line on the level at a point about six chains southward of the mile-post denoting 78¼ miles from London bounded on the north-west south-west and south-east by property of the Company and lying between the gates on the north-eastern side of the said level crossing and the said main line.

In the Parts of Kesteven in Lincolnshire:—

A strip of land at Tallington in the parish of Tallington adjoining the Tallington Station of the Company on the south-western side thereof bounded on the south-east by and extending for a distance of about fourteen chains measured in a north-westerly direction from the public road leading from West Deeping to Tallington.

In the Parts of Holland in Lincolnshire:—

Lands at Boston partly in the hamlet of Skirbeck Quarter and partly in the parish and borough of Boston bounded on the north and north-west by property of the Company on the east by High Street and London Road or one of them and on the south by Stell's Lane otherwise Betty Barber's Lane.

In the county of Nottingham:—

Lands at Gedling in the township of Gedling—

(A) A strip of land adjoining the Derbyshire and Staffordshire Railway of the Company on the western side thereof bounded on the south by Chandos Street and on the north by the Nottingham and Lincoln Railway of the Midland Railway Company;

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(B) A strip of land adjoining the said Derbyshire and Staffordshire Railway on the western side thereof bounded on the south by the said Nottingham and Lincoln Railway and extending therefrom in a northerly direction to the public road known as Burton Road leading from Nottingham to Southwell.

In the West Riding of the county of York:—

(1) Lands at Doncaster in the township and borough of Doncaster—

(A) Lands bounded on the north-west by the premises of the Brown Cow Inn on the north-east by the new road known as North Bridge Road and on the south-west by property of the Company;

(B) Lands bounded on the east by property of the Company on the south-east by the road leading from Marsh Gate to the goods yard of the Great Central Railway Company and on the north by property of the Great Northern and Great Central Railway Companies:

(2) Lands at Dewsbury in the township or parish and borough of Dewsbury—

A triangular piece of land forming part of the inclosure numbered 327 in that parish on the $\frac{1}{2500}$ scale Ordnance map (second edition 1907) Yorkshire sheet No. CCXLVII. 4 and bounded on the north-west and north-east by property of the Company.

Power to acquire easements compulsorily in certain cases.

30. Notwithstanding anything contained in this Act or in any Act wholly or partly incorporated therewith the Company shall not be required to purchase any railway river canal navigation watercourse drain or dyke or any part thereof respectively which may be crossed or interfered with in constructing the railways and the widening or any of them but may acquire such easements and rights in or over any such railway river canal navigation watercourse drain or dyke as they may require for making maintaining working and using the railways and the widening or any of them and may give notice to treat in respect of such easements and rights describing the nature

thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

Owners may be required to sell to Company parts only of certain lands and buildings.

31. 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 portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties 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:

(3) 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 (in this section referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed

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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:

(4) If the tribunal determine that the portion of the scheduled 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:

(5) If the tribunal determine that the portion of the scheduled 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 determination of any matters under this section shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled 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:

(7) If the tribunal determine that the portion of the scheduled 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 any of the scheduled properties or any part thereof is or is not or but for this section would or 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.

Power to Company to enter upon property for survey and valuation.

32. The Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Costs of arbitration in certain cases.

33. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend

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the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in case of recently altered buildings acquired by Company.

34. In settling any question of disputed purchase-money or compensation payable under this Act by the Company the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the seventeenth day of November one thousand nine hundred and eleven if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Lands for extraordinary purposes.

35. The quantity of land to be taken by the Company under the powers of this Act by agreement for the extraordinary purposes of their undertaking mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed fifty acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to take easements &c. by agreement.

36. 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 and according to their estate and interest therein grant to the Company any easement or right required for the purposes of this Act 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 and rights as aforesaid respectively.

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

Period for compulsory purchase of lands.

PART IV.

EXTENSION OF TIME.

38. The period limited by the Order of 1908 for the completion of the railways and works respectively described in and authorised by the Order of 1901 and the Order of 1908 is hereby extended until the fourth day of November one thousand nine hundred and seventeen and sections 13 21 and 22 of the Order of 1908 shall be read and construed accordingly.

Extension of time for completion of railways authorised by Orders of 1901 and 1908.

PART V.

MISCELLANEOUS PROVISIONS.

39. 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.

Company may apply their funds to purposes of Act.

40.—(1) All private rights of way over any lands acquired compulsorily under the powers of this Act shall as from the date of such acquisition be extinguished.

As to private rights of way.

(2) The Company shall make full compensation to all parties interested in respect of any such rights and in respect of any private rights of way over any portion of any road bridle-road or footpath by this Act authorised to be stopped up or diverted and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

41. And whereas lands have from time to time been purchased or acquired by the Company and by the Company jointly with other companies adjoining or near to railways or stations belonging to the Company or belonging to or managed by the Company jointly with such other companies but such lands are not immediately and may not hereafter be required for the purposes of the undertaking of the Company or of the joint undertakings of the Company and any such other company as

Power to lease &c. land.

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the case may be and it is expedient that further powers should be conferred upon the Company and such other companies respectively with respect to such lands Therefore notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company or any such other company with which that Act is incorporated the Company or the Company and any such other company as the case may be shall not be required to sell or dispose of any such lands but may retain hold or use or may lease or otherwise dispose of the same.

Application of Arbitration Act 1889.

42. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

Power to issue debenture stock certificates to bearer.

43. The Company may with respect to the whole or any portion of debenture stock created or to be created by them and subject to such regulations as may from time to time be made by the Company issue under their common seal debenture stock certificates to bearer Every debenture stock certificate so issued as aforesaid shall entitle the bearer thereof to the debenture stock therein specified and shall contain a statement to that effect Such debenture stock may be transferred by delivery of the certificate but not otherwise and provision may be made for the payment of interest on such stock by coupons whether attached to the certificate or not:

Provided always that nothing in this section contained shall require the holder of any debenture stock issued prior to the passing of this Act to accept a debenture stock certificate to bearer in respect of such debenture stock or any part thereof.

Entries in register on issue of debenture stock certificate to bearer.

44. On the issue of any such certificate as aforesaid the Company instead of making in the register of debenture stockholders the entries provided for by section 28 of the Companies Clauses Act 1863 shall enter in the register the following particulars:—

(A) The fact of the issue of the certificate;

(B) A statement of the amount of the debenture stock specified in the certificate;

(C) The date of the issue of the certificate;

and where a debenture stock certificate to bearer is issued to any person in respect of any debenture stock of which he was

immediately before such issue the registered holder the Company shall also strike out of such register with reference to such debenture stock the name of such person and the other particulars with reference to such debenture stock contained in such register.

The provisions of the Companies Clauses Act 1863 as to certificates and registration of debenture stock shall not apply in the case of a debenture stock certificate to bearer.

Registration of holders of debenture stock on surrender of certificate.

45. The bearer of a debenture stock certificate to bearer issued under the authority of this Act shall on—

(A) surrendering for cancellation the certificate with all coupons issued in respect thereof and for the time being outstanding;

(B) complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of the bearer and for obtaining a specimen of his signature;

(C) paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of the surrender; and

(D) paying to the Company such fee not exceeding five shillings as the Company may prescribe

be entitled to have his name entered in the register of debenture stockholders.

A copy of this section shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Company.

Loss or destruction of certificate or coupon.

46. If a debenture stock certificate to bearer or coupon issued under the authority of this Act be lost or destroyed then upon—

(A) proof to the satisfaction of the Company of the ownership of such lost or destroyed certificate and of the loss or destruction thereof;

(B) The giving of such indemnity as the Company deem adequate;

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(C) payment of all stamp and other Government duties (if any) payable in respect of the new certificate or coupon; and

(D) payment to the Company of a fee of five shillings

a new debenture stock certificate to bearer or coupon as the case may be in lieu of the certificate or coupon so lost or destroyed shall be issued by the Company and an entry of such issue shall be made by the secretary in the register of debenture stockholders.

As to joint holders of debenture stock.

47. If several persons be or claim to be jointly entitled to the debenture stock specified in a debenture stock certificate to bearer issued under the authority of this Act then as between the Company on the one hand and such persons on the other hand—

(A) one only of such persons shall be deemed the sole proprietor of such debenture stock; and

(B) in case of any dispute between such persons such one of them as shall be the actual holder of the debenture stock certificate to bearer shall be deemed such sole proprietor.

Trustees unless expressly authorised not empowered to hold bearer certificates.

48. A trustee unless authorised by the terms of his trust shall not apply for or hold a debenture stock certificate to bearer issued under the authority of this Act but nothing in this section shall impose upon the Company any obligation to inquire whether the person applying for a debenture stock certificate to bearer is or is not a trustee or being a trustee is or is not so authorised as aforesaid or subject them to any liability in the event of their issuing to a trustee a debenture stock certificate to bearer.

As to ranking of debenture stock of Company.

49.—(1) All debenture stock created or to be created by the Company under the authority of any Act passed before or (unless and except so far as may be otherwise provided by any future Act) after the passing of this Act shall be deemed to form part of the Great Northern Railway debenture stock referred to in and authorised by the Great Northern Railway (Capital) Act 1890 and the holders of such debenture stock shall not as among themselves be entitled to any preference or priority.

(2) Notwithstanding anything contained in Part III. of the Companies Clauses Act 1863 or in any Act authorising the creation and issue of any such debenture stock the interest of

all such debenture stock shall rank pari passu with the interest of all mortgages which may hereafter be granted by the Company and shall have priority over all principal moneys secured by such mortgages. A.D. 1912.

Provision as to general Railway Acts.

50. Nothing in this Act contained shall exempt the Company or their railways 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.

51. 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.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN BY THE COMPANY.

Nos. on deposited Plans.	Township.	Description of Property.
		DIVERSION AND STOPPING-UP OF FOOTPATHS AT TATTERSHALL THORPE TUMBY AND CONINGSBY.
4	Tumby - -	Farmhouse farm-buildings yards garden and public footpath.
8	Do. - -	Rickyard farmyards farm-buildings occupation road and public footpath.
10	Do. - -	Farmhouse outbuildings garden and occupation road.

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