CHAPTER cxxix.

An Act to confer further Powers on the Great Northern Railway Company and the Cheshire Lines Committee. A.D. 1879.

[21st July 1879.]

WHEREAS it is expedient that the Great Northern Railway Company (in this Act called the Company) should be authorised to make a short railway at Doncaster and to exercise the powers by this Act conferred on them:

And whereas the powers of the Company for the compulsory purchase of land for the purposes of the deviation railway No. 3 described in and authorised by the Great Northern Railway (Deviations) Act, 1874, which powers were extended by the Great Northern Railway Act, 1877, have expired, and the period limited by the said Act for the completion of the said railway, which period was likewise extended by the said Act of 1877, will expire on the 6th day of August 1879, and it is expedient that the powers for the purchase of lands should be revived, and that the period for the completion of the said works should be extended: 37 & 38 Vict. c. xcv. 40 & 41 Vict. c. lxxx.

And whereas it is expedient that the powers herein-after contained should be conferred on the Cheshire Lines Committee, which Committee consists of representatives of the Company of the Manchester, Sheffield, and Lincolnshire Railway Company and of the Midland Railway Company:

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 and the Cheshire Lines Committee 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 west riding of Yorkshire, for the counties of Nottingham,

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Middlesex, and Lancaster, and for the parts of Kesteven in Lincolnshire, and the said documents are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the 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 (Further Powers) Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

2. The following Acts and parts of Acts are, except where the same are expressly varied by or are inconsistent with 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 I. and II. of the Railways Clauses Act, 1863, relating respectively to the construction of a railway and to extension of time.

Interpretation of terms.

3. In this Act, unless there be something in the subject or context repugnant to such construction, the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression, 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.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railway and works hereinafter 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,)

(1.) They may construct and maintain in the parish of Doncaster, in the west riding of the county of York, a railway 1 furlong and 1·80 chains or thereabouts in length, commencing by a junction with a siding on the west side of the Great Northern Railway about 30 yards south of the

bridge carrying the public road over Doncaster station yard, and terminating by a junction with another siding about 50 yards east of the plant works.

(2.) They may construct in the parish of Newark in Nottinghamshire a new road commencing in the road leading from Caffarata's Plaster Works to the town of Newark about 50 yards east of the level crossing of the same road over the main line of the Company's railway, and terminating in the Newark and Sleaford Road about 50 yards eastward of the bridge carrying that road over the said railway; and when the said road is completed the Company may stop up and extinguish all rights of way over their railway and branch railway at the said level crossing, and the soil and site of the existing road from the said Plaster Works to Newark from the commencement of the said new road to and including the said level crossings shall be vested in the Company, and the said new road shall be maintained and repaired by the body or persons liable to maintain and repair the said existing road.

Railway to form part of Great Northern Railway.

5. 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.

6. 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 said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Railway not to be used for passenger traffic without consent of Board of Trade.

7. The Company shall not use for the conveyance of passenger traffic the railway at Doncaster by this Act authorised, except with the previous consent in writing of the Board of Trade.

As to railway at Doncaster.

8. And whereas the proposed railway at Doncaster will cross the railway of the Manchester, Sheffield, and Lincolnshire Railway Company on the level; therefore if at any time such crossing on the level be found to inconvenience that company in the conduct of their traffic they may apply to the Board of Trade, who may require the Company to alter the position of the proposed railway in such manner as in the opinion of the Board of Trade may be best calculated to remedy the inconvenience complained of; and if in

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their opinion the inconvenience cannot be remedied by the Company, the said Board may order that the proposed railway shall be abandoned, and the Company shall thereupon remove the same: Provided that the Company shall not be required to apply to Parliament for any further powers to enable them to carry into effect the provisions of this section; provided also, that the powers herein-before conferred on the Board of Trade for the protection of the Manchester, Sheffield, and Lincolnshire Railway Company, whether with respect to the alteration of the position of the proposed railway or the removal of the same, may be exercised by the said Board without any application from the last-named Company if the Board deem such level crossing dangerous to the public.

Revival of powers for purchase of certain lands.

9. The powers granted to the Company by the Great Northern Railway (Deviations) Act, 1874, for the compulsory purchase of lands for the purposes of the deviation railway No. 3, described in and authorised by the fourth section of the said Act as commencing in the parish of Scalford and terminating in the parish of Walton-on-the-Wolds in Leicestershire, are hereby revived and extended, and may be exercised until the sixteenth day of July one thousand eight hundred and eighty-one, but shall not be exercised after that period.

Extending period for completing railway.

10. The period limited by the Great Northern Railway Act, 1877, section 12, for the construction and completion of the said deviation railway No. 3 is hereby extended until the sixth day of August one thousand eight hundred and eighty-two.

Penalty unless railways opened within the time limited.

11. 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 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

17 & 18 Vict. c. 31.

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. A.D. 1879.

Application of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway in respect of which default has been made, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for such railway 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 liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to purchase additional lands.

13. 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

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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,)

Certain lands situate in the parishes of New Sleaford and Quarrington in the parts of Kesteven in Lincolnshire, bounded on the north-east by the Company's Sleaford station yard, and on the south-east by the public road leading from Sleaford to Broadwater and Wiltsford.

Power to stop up public way at Queensbury Junctions.

14. The Company, so far as they are the owners of the land on both sides thereof, may stop up and extinguish all rights of way over, and may appropriate the soil and freehold of so much of a certain public way being a footpath, bridle, and occupation road at Queensbury Junctions, near Hole Bottom, in the township of Clayton and parish of Bradford in the west riding of Yorkshire, numbered 7*c* and 25*c* on the plans deposited in the month of November 1872 with the clerk of the peace for the said west riding in respect of Great Northern (Halifax, Thornton, and Keighley Railways) Act, 1873, as lies between the southern fence of railway No. 3, where it crosses the said public way, and the south-western corner of a field at Bridle Stile numbered 26*c* on the said plan.

36 & 37 Vict. c. ccxx.

As to closing Almina Street, &c. in parish of Islington.

15. As to the closing of Almina Street and part of the Junction Road in the parish of Saint Mary Islington, in the county of Middlesex, the following provisions shall have effect; viz.,

(1.) "The vestry" means the vestry of the parish of Saint Mary Islington:

"The plan" means a plan signed in duplicate by John Layton, vestry clerk of the parish for and on behalf of the vestry, and Richard Johnson on behalf of the Company:

(2.) The Company shall at their own cost and in accordance with the red lines drawn on the plan widen the following streets, namely, Randells Row, Junction Road, James Street, and East Street, and shall to the reasonable satisfaction of the vestry, testified under the hand of the vestry clerk, make the several roadways to the middle of such streets co-extensive with the Company's frontages, and flag the several footways therein, and curb and channel the same, and complete the same for the public use, and remove the barriers and obstructions therein:

(3.) The said several widenings respectively, when and as the same shall be so completed, shall form part of the respective streets, and thenceforward be repairable by the vestry accordingly:

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(4.) The Company, as soon as they shall have so completed the said several streets, may stop up Almina Street and so much of the Junction Road as lies between Almina Street and the north side of James Street so widened, and thereupon all rights in and over Almina Street and the said portion of the Junction Road shall be extinguished, and the site and soil thereof respectively shall vest in the Company:

(5.) No existing sewers or drains vested in the vestry shall be opened or interfered with by the Company without the previous consent of the vestry, and the Company shall at their reasonable cost construct such new sewers or drains as shall be necessary, and no sewer or drain shall be opened or interfered with except under the superintendence of the surveyor of the vestry, nor until sufficient substituted sewers or drains shall where necessary have been provided by the Company. The vestry shall at all reasonable times have free access to any of their sewers or drains in Almina Street and the closed part of Junction Road:

(6.) The Company and the vestry may from time to time enter into and carry into effect any agreements for and in relation to the execution of the foregoing provisions or any of them:

(7.) If any difference arise between the Company and the vestry touching anything to be done or not to be done under this section, such difference shall be settled by a surveyor to be appointed (unless otherwise agreed on between the parties) by the President for the time being of the Institute of Surveyors on the application of either of the parties, and the costs of and incidental to the reference shall be paid by the Company.

Period for compulsory purchase of lands.

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

Company may apply corporate funds for purposes of Act.

17. The Company may apply to the purposes of this Act any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Powers to Cheshire Lines Committee.

18. The Cheshire Lines Committee, in this Act called the Committee, or the Company on behalf of the Committee, may, subject to the provisions of this Act, exercise the following powers:

(1.) They may enter upon and take compulsorily for the purposes of their undertaking the lands in the parishes of

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Childwall and Walton-on-the-Hill, in the county of Lancaster, which are delineated on the deposited plans and described in the deposited books of reference:

(2.) They may, partly in the township of Walton-on-the-Hill and partly in the township of Fazakerley, in the said parish of Walton-on-the-Hill, stop up and extinguish all rights of way over the public footpath or road numbered 1 on the deposited plans and books of reference in that parish, and the site or soil of so much of the said footpath or road as lies within the fences of the Committee's land shall thereupon be vested in the Committee:

(3.) They may apply for the purposes of this section any money under their control or at their disposal which is not required by them for other authorised purposes.

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

Power to take easements, &c. by agreement.

19. 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 or the Committee any easement, right, or privilege required for the purposes of this Act or any of the purposes of their respective undertakings 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.

Company not exempt from provisions of present or future general railway Acts.

20. Nothing in this Act contained shall exempt the Company or the Committee, or their respective 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.

21. 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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