CHAPTER lxxvi.

An Act to confer further powers upon the Great Northern Railway Company with respect to their Undertaking and for other purposes. [16th July 1885.] A.D. 1885.

WHEREAS it is expedient that the Great Northern Railway Company (who are meant when the term "the Company" is herein-after used) should be authorised

To make and maintain the railways and works herein-after described; General purposes of Act.

To divert certain roads and footpaths;

To construct the roads and footpaths herein-after described;

To purchase and acquire additional lands for the purposes of their undertaking:

And whereas it is expedient that the time limited for the compulsory purchase of land required for the widening of the Great Northern Railway at Leeds authorised by the Great Northern Railway Act 1882 (section 13) and for the construction of a new road at Bygrave in Hertfordshire a new road at Tong and a new footpath at Wortley (both in the west riding of the county of York) authorised by the same Act (section 30) and for the acquisition of additional lands at Copley Hill Armley Bramley Stanningley Tong Ossett and Bradford in the said west riding authorised by the same Act (section 36) should be extended: Extension of time—Lands at Leeds Copley Hill Armley Bramley Stanningley Tong Ossett and Bradford.

And whereas it is expedient that the Company should be authorised to abandon the Shipley Branch Railway at Shipley in the county of Derby authorised by the Great Northern Railway Act 1880: Abandonment of Shipley Branch Railway.

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 roads and other works authorised by this Act and the lands to be taken for the purposes thereof and plans of the additional lands authorised to be acquired under the powers of this

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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 Derby Huntingdon Leicester Middlesex and Nottingham and 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 (Various Powers) Act 1885.

Incorporation of General Acts.

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 as amended by the Lands Clauses (Umpire) Act 1883;

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.

Interpretation.

3. In this Act unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings:

"The railways" means the railways by this Act authorised;

"Parish clerks" and "clerks of the several parishes" in sections 7, 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards the parish in which by the standing orders of either House of Parliament plans sections and other documents are required to be deposited with the clerk of the vestry of the parish mean the vestry clerk of the parish;

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 railways &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 railways and works herein-after described with all proper stations sidings approaches works and conveniences connected therewith respectively and may exercise the following powers with respect thereto and in connexion 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.

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

Woolsthorpe Branch Extension.—A railway (No. 1) 2 miles 5 furlongs and 6 chains in length commencing in the parish of Woolsthorpe in the parts of Kesteven in Lincolnshire by a junction with the Woolsthorpe Branch of the Company at the termination thereof and terminating in the parish of Harston in the county of Leicester in a field known as Nineteen Acre field.

Railway at Colwick.—A railway (No. 2) 5 furlongs and 3·90 chains in length wholly in the county of Nottingham commencing in the parish of Radcliffe-on-Trent by a junction with the Nottingham and Grantham line of the Company and terminating in the parish of Gedling by a junction with the Derbyshire and Staffordshire Railway of the Company.

Railways at Heanor.—A railway (No. 3) 3 miles 3 furlongs and 1·90 chains in length wholly in the county of Derby commencing in the parish of Ilkeston by a junction with the said Derbyshire and Staffordshire Railway and terminating in the township of Shipley in the parish of Heanor in the field known as Pit Close.

A railway (No. 4) 5·75 chains in length wholly in the said township of Shipley commencing by a junction with the said railway (No. 3) in the field known as Nutbrook Close and terminating by a junction with the sidings of the Nutbrook Colliery.

Extension of Pudsey Railway.—A railway (No. 5) 1 mile and 7 furlongs in length wholly in the parish of Calverley in the west riding of the county of York commencing by a junction with the Pudsey branch of the Company at the termination thereof and terminating by a junction with the Gildersome branch of the Company.

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A railway (No. 6) 2 furlongs and 5·50 chains in length wholly in the said parish of Calverley commencing by a junction with Railway No. 5 and terminating by a junction with the said Gildersome branch.

Provided that the Company shall not except by agreement enter upon take or use any lands (not being public roads or highways or railways) required for the purposes of Railway No. 1 or Railway No. 4 respectively and the provisions of the Lands Clauses Consolidation Act 1845 enabling persons under disability to sell and convey lands shall apply to any purchase and sale of any such lands.

Inclination of roads.

5. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any inclination not steeper than the inclination herein-after mentioned (that is to say):—

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
1	Denton	Public	1 in 10 on one side.

Railways to form part of the Great Northern Railway.

6. Subject to the provisions of this Act the railways and the works connected therewith executed under the authority of this Act shall for the purposes of toll and all other purposes whatsoever form part of the Great Northern Railway.

Period for completion of railways.

7. If the railways herein-before authorised by this Act are 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 railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Powers to London and North-western Railway Company.

8. The London and North-western Railway Company may have and exercise over the railways and works herein-before described as Railways at Heanor the same powers and privileges as are conferred on that Company by the 28th section of the Great Northern and London and North-western Railway Companies (Joint Powers and New Lines) Act 1874 with respect to the portions of the Great Northern Railway specified in the said section but subject to the terms conditions and restrictions contained in sections 29, 30, 31, 32, 33 and 34 of the same Act.

Powers to Lancashire and Yorkshire Railway Company.

9. The Lancashire and Yorkshire Railway Company may have and exercise over the railways and works herein-before described as "Extension of Pudsey Railway, Railway No. 5" and "Railway No. 6"

the same powers and privileges as are conferred on that Company by the 28th section of the Great Northern Railway Act 1883 with respect to the portions of the Great Northern Railway specified in the said section but subject to the terms restrictions and conditions contained in sections 29, 30, 31, 32 and 33 of the same Act and in consideration of the powers and privileges hereby secured to the Lancashire and Yorkshire Railway Company so much of the said section 28 as empowers that company to exercise running and other powers over and in respect of Railway No. 3. (branch at Laister Dyke) authorised by the said Great Northern Railway Act 1883 is hereby repealed.

Further works by the Company.

10. 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 works herein-after described and may exercise the powers herein-after mentioned and may for the purposes aforesaid make such alterations in the levels of the streets roads and footpaths affected thereby as are shown upon the deposited plans and sections making compensation to all parties whose property is injuriously affected by such alterations and in addition to any other lands which they are by this Act authorised to acquire may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes:

Roads and footpaths.

Arching at Islington.

(1) They may in the parish of Saint Mary Islington in the county of Middlesex widen the archway or opening under the Caledonian Road at the southern end of the bridge carrying that road over the main line of railway of the Company;

Stopping up of roads at Hornsey.

(2) They may stop up in the parish of Hornsey in the county of Middlesex Alma Road and so much of Clarendon Road as lies between Alma Road and the southern boundary of the property belonging or reputed to belong to the Hornsey Gas Company and may extinguish all rights of way in and over the same and the site and soil of so much of the Alma Road as is co-extensive with the property of the Company shall vest in and belong to the Company and the remaining portion of the site and soil of the said Alma Road and of so much of the Clarendon Road as is co-extensive with the property of the Hornsey Gas Company shall vest in and belong to such Gas Company;

Alteration of road near Saxondale Junction.

(3) They may in the parishes of Shelford and Radcliffe-on-Trent in the county of Nottingham alter and improve the gradients of the public road crossing over the Nottingham and Grantham Line of the Company by a bridge about a mile east of Saxondale Junction and leading from Bingham to Shelford for a distance

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of about 70 yards from the centre of the said bridge southwards and may construct an additional archway or opening under the road at the south end of the said bridge;

Diversion of road at Colwick Station.

(4) They may construct in the parishes of Colwick and Gedling in the county of Nottingham a new road commencing in the parish of Colwick in the road known as Colwick Vale at a point about 157 yards measured in a south-westerly direction from the centre of the level crossing of the Nottingham and Grantham Line of the Company by the said road and terminating in the parish of Gedling in the said road or the continuation thereof at a point about 160 yards measured in a north-easterly direction from the centre of the said level crossing and on the completion of the said new road they may abolish the said level crossing and extinguish all rights of way in over or across their railway at the said crossing;

Diversion of road near Colwick Hall.

(5) They may construct in the parish of Colwick in the county of Nottingham a new road commencing in the road on the south-east side of the Nottingham and Grantham Line of the Company leading from Colwick to Sneinton and Nottingham at a point about 250 yards measured in a north-easterly direction from the north-east corner of the gardens of Colwick Hall and terminating at the said north-east corner of the said gardens and also a new road in the said parish of Colwick commencing in the said public road at or near the west end of the stables in the gardens of Colwick Hall and near the north-east corner thereof and terminating at the centre of the bridge carrying the said road over the said Nottingham and Grantham Line and on the completion of the said new roads they may stop up and discontinue as a public highway so much of the said public road leading from Colwick to Sneinton and Nottingham as lies between the commencements and the terminations of the proposed new roads;

Footbridge at Leicester.

(6) They may construct in the parish of Belgrave in the county of Leicester a bridge for foot passengers over the Tilton and Leicester Line of the Company at Forest Road level crossing to commence at a point on the eastern side of the said road about 21 yards measured in a south-westerly direction from the south-west corner of the signal box at that level crossing and terminating at a point in the said road about 12 yards north-east of the said corner and on the completion of the said bridge they may abolish the said level crossing as a crossing for foot passengers and extinguish all rights of foot-way thereover and may prevent the user of the said level crossing by foot passengers;

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Footpaths in Bingley.

(7) They may stop up in the township of Bingley in the parish of Bingley in the said west riding so much of the public footpath leading from Cross Roads to Cullingworth as lies between the north-west corner of the field numbered 77 in the said parish of Bingley on the plans deposited with the clerk of the peace for the said west riding in respect of the Great Northern (Halifax Thornton and Keighley Railways) Act 1873 and the road leading to Sugden House past the field numbered 78 in the said parish on the same plans and also so much of the public footpath in the same township leading from Cross Roads aforesaid to Cullingworth aforesaid as lies between a point 5 chains measured in an easterly direction along that footpath from the said north-west corner and Sugden House and may extinguish all rights of way in and over the same respectively and the footpath so constructed by the Company from and out of the said last-mentioned public footpath to Sugden House shall be substituted for all purposes for the said portion so stopped up.

For the protection of the London Street Tramways Company.

11. In constructing the aforesaid widening of the archway under the Caledonian Road the Company shall be subject to the following conditions for the protection of the London Street Tramways Company namely—

(1) The Company shall not in any manner alter the level of Caledonian Road;

(2) The Company may make such temporary alteration of the tramways in that road of the London Street Tramways Company (in this section called the "tramway company") as may be necessary for constructing the said widening but they shall at all times during such construction provide that there shall be open for the traffic of the tramway company one continuous line of tramway along the whole length of the said archway and for that purpose shall make all necessary crossing-places curves switches and junctions and shall as soon as reasonably may be restore the double line of tramway as it exists at the passing of this Act;

(3) All works in any way affecting the said tramways or the portion of the road on which such tramways are laid shall be executed by and at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer or other officer of the tramway company appointed for that purpose and seven days previous notice in writing of the intention of the Company to commence any such works shall be given to the tramway company;

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(4) If by reason of the construction or maintenance of the said widening or of the insufficiency of or the bad state of repair of any such works or of any act or omission of the Company their agents or servants the said tramways or that part of the Caledonian Road which the tramway company are liable to repair shall be damaged or injured or the said tramways shall require reconstruction or relaying or the said part of the Caledonian Road shall require repairing the Company shall on demand repay to the tramway company all reasonable costs and expenses to which they may be put in repairing the said damage or injury or in such reconstruction or relaying or repairing and indemnify the tramway company from any penalty damages or other expenses to which they may become liable by reason of the said part of the Caledonian Road or the tramways therein being out of repair and shall make reasonable compensation to the tramway company for all loss they may sustain or be put to by reason of any interruption of their traffic consequent on the construction of the said widening and works connected therewith or of the insufficiency or bad state of repair of any such works or any act or omission of the Company their agents or servants;

(5) If any difference shall arise between the Company and the tramway company as to anything to be done or not to be done or any moneys to be paid under the provisions of this section the same shall be referred to and determined by an engineer to be agreed on between the parties or (if they cannot agree) to be appointed on the application of either of them by the Board of Trade and the award of such engineer shall be final and binding on both parties and the costs of the said arbitration shall be in the discretion of the arbitrator.

As to widening of archway or opening under the Caledonian Road.

12. The widening of the archway or opening under the Caledonian Road under the powers of this Act shall be effected in such a manner that during the execution of the works not more than one footway and one half of the width of the carriageway shall be stopped at one time and the Company shall not commence any works under the said road until they shall have given to the Metropolitan Board of Works twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the said Board with plans and other necessary particulars of the intended works and until the said Board shall have signified their approval of the same unless the Board fail to signify such approval or their disapproval within twenty-one days after service of the said notice and delivery of the said plans and particulars as aforesaid and the

Company shall comply with and conform to all reasonable directions and regulations of the said Board in the execution and subsequent maintenance of the said works and shall save harmless the said Board against all and every expense occasioned thereby and all such works shall subject to the provisions of this Act be done to the reasonable satisfaction of the engineer or other officer of the said Board at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Board may be put to by reason of the works of the Company shall be paid to the said Board by the Company on demand.

As to vesting of site and soil of portions of roads &c. stopped up.

13. The site and soil of the several roads streets and footpaths or portions thereof by this Act authorised to be stopped up and discontinued and the fee simple and inheritance thereof shall (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof be from the time of the stopping up thereof respectively absolutely vested in the Company subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway.

Power to deviate in construction of roads.

14. The Company in constructing the new roads and alteration of roads and footpaths herein-before authorised may deviate from the centre lines shown on the deposited plans to the extent of the limits of deviation marked on such plans respectively but so nevertheless that no part of such deviation be constructed beyond the said limits and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet but not so as to increase the rate of inclination as shown on the deposited sections of any new road or footpath.

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

15. (1) Subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 every new altered and substituted road or footpath constructed by the Company under the powers of this Act shall vest in and be repaired and maintained in the same manner and to the same extent as and by and at the expense of the same bodies or persons as are now liable to repair and maintain the roads or footpaths for which they are substituted.

(2) If any question shall arise between the Company and any of such parties as to the due completion of any such new altered or substituted road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of

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such justices of the due completion of such new altered or substituted road or footpath shall be conclusive evidence of the fact so certified.

(3) The Company and any such bodies or persons may enter into and fulfil contracts and agreements for and in relation to such construction and maintenance.

Power to Company to purchase additional lands.

16. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement for the improvement and enlargement of their railways stations and works and for the construction of new stations buildings and sidings and other 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 they may retain and hold such of the said lands as have already been purchased by them:

Certain lands in the parish of Enfield in the county of Middlesex adjoining the main line of the Company and lying on both sides thereof and extending from the north end of the South Enfield tunnel to the south end of the North Enfield tunnel.

Certain lands in the parish of St. Neot's in the county of Huntingdon adjoining the west side of the main line of the Company and bounded on the south and east by the property of the Company at St. Neot's Station.

Certain lands in the parish of Balderton in the county of Nottingham adjoining the Newark and Bottesford Line of the Company situate east of Bowbridge Lane and lying on both sides of the said line and of the occupation road crossing the said line on the level and leading to the Vale of Belvoir Company's Plaster Works.

Certain lands in the parish of East Markham in the county of Nottingham adjoining the south-west side of the main line of the Company and bounded on the north-west by the public road from East Markham to Askham.

Certain lands in the county of Nottingham partly in the township of Saxondale in the parish of Shelford and partly in the parish of Radcliffe-on-Trent adjoining the Nottingham and Grantham Line of the Company on both sides thereof and lying between a point about 77 yards east of the signal box at Saxondale Junction and the signal box at the Radcliffe Station of the Company.

Certain lands in the parishes of Gedling and Colwick in the county of Nottingham adjoining the Nottingham and Grantham Line of the Company on both sides thereof and lying between a point about 218 yards south-east of the east end of the platform

at the Colwick Station of the Company and the factory now being constructed.

Certain other lands in the said parish of Colwick adjoining the south-east side of the said Nottingham and Grantham Line and lying between the said factory and the north-east corner of the gardens of Colwick Hall.

Certain other lands also in the said parish of Colwick and adjoining the south-east side of the said line and lying between the said north-east corner of the gardens of Colwick Hall and the bridge carrying the road from Colwick to Sneinton and Nottingham over the said line.

Certain other lands partly in the said parish of Colwick and partly in the parish of Sneinton in the county of Nottingham adjoining both sides of the Nottingham and Grantham Line of the Company and lying between the said bridge over the said line and the bridge carrying the Nottingham and Grantham Line over the Nottingham and Lincoln Line of the Midland Railway Company.

Certain lands in the township and parish of Bradford in the said west riding and in the said township of Pudsey and the said parish of Calverley respectively adjoining the south side of the Leeds Bradford and Halifax Railway of the Company at the east end of Laister Dyke Station and bounded on the south-east by the public road known as New Lane.

Confirmation of sale by Duchy of Lancaster.

17. Whereas by the Great Northern Railway Act 1846 it was enacted that it should be lawful for the Chancellor and Council of Her Majesty's Duchy of Lancaster for the time being (herein-after called "the Chancellor and Council") to agree with the Company for the absolute sale in fee simple of the lands or any part thereof of or belonging to Her said Majesty in right of Her said Duchy which should be required for the purposes of the said Act at or for such price or compensation in money and upon such terms and conditions as should be settled and agreed upon between the Chancellor and Council and the Company and upon payment of such price or compensation by any deed or writing under the seal of the said Duchy in the name of Her said Majesty Her heirs and successors to convey the same lands and the fee simple and inheritance thereof to the Company their successors and assigns for the purposes of the said Act which said deed or writing being enrolled in the Court of the Duchy Chamber of Lancaster within six calendar months from the date thereof should be effectual to vest in the said Company the fee simple and inheritance of the same lands anything contained in the Act passed in the first year of Her Majesty Queen Anne intituled

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" An Act for the better support of Her Majesty's Household and " the Honour and Dignity of the Crown " or in any other Act to the contrary in anywise notwithstanding: And it was thereby directed that the purchase money or consideration for the said lands should be paid into the hands of the Receiver General of the Revenues of the said Duchy: And whereas an indenture dated the 6th day of October 1847 expressed to be made between the Chancellor and Council of the first part George Barnes of the second part and the Company of the third part contained mutual covenants between the Company the said George Barnes and the Chancellor and Council (the Chancellor and Council covenanting so far as the covenants therein contained were to be performed and observed by the Chancellor and Council and so far as the Chancellor and Council were entitled to enter into covenants by virtue of the Great Northern Railway Act 1846) to the effect amongst other things that the Company should purchase the reversionary right and interest expectant on the determination of a lease dated the 21st day of June 1836 of Her Majesty Her heirs and successors in right of the said Duchy and the inheritance in fee simple free from incumbrances except the said lease of and in the lands in the map endorsed on the first skin of the indenture now in recital distinguished by a red colour at a price to be determined as therein mentioned and that the surface of the land immediately over certain tunnels which it was intended to make under the said lands should (subject to a road to be made for the use and benefit of the said Duchy and the said George Barnes as therein-after mentioned) remain and be the absolute property of Her Majesty in right of the said Duchy and that the Company should at all times thereafter so far as the Chancellor and Council were authorised to grant or agree for the same have certain easements over the said surface and that the Company should make and maintain certain accommodation works: And whereas the whole of the said purchase money has been determined according to the said Indenture and has been paid by the Company to the Receiver General of the said Duchy: And whereas the Company have made the said tunnels and the same are now used by them for their railway: And whereas the Company have completed the several accommodation works that they covenanted by the said indenture to make but no assurance of the said pieces of land or easements has been made by the Chancellor and Council: And whereas it is apprehended that the Chancellor and Council had no power to agree to make a conveyance of the reversionary right and interest of Her Majesty in the said pieces of land containing an exception of that part of the surface thereof which lies immediately over the said tunnels and that the

Chancellor and Council had no power to make a grant of easements over the same surface and that any assurance purporting to make such conveyance and grant would be ineffectual: And whereas it would be for the benefit of the Company that the said indenture should be confirmed in manner herein-after appearing and that the Chancellor and Council should be empowered to make such assurance as is herein-after authorised: Be it therefore enacted that:—

(1) The said indenture of the 6th day of October 1847 shall be deemed to have been and shall be as from the date thereof as valid and effectual as if the Great Northern Railway Act 1846 had expressly authorised the Chancellor and Council and the Company respectively to enter into the covenants therein contained and by them to be respectively performed.

(2) The Chancellor and Council may execute a proper assurance under the seal of the said Duchy in the name of Her Majesty Her heirs or successors for the purpose of carrying the provisions of the said indenture of the 6th day of October 1847 into effect with such variations if any as the events that have happened may render necessary: And such assurance being enrolled in the Court of the Duchy Chamber of Lancaster within six calendar months from the date thereof shall be effectual to vest in the Company Her Majesty's right and interest in the lands in the map endorsed on the first skin of the said indenture of the 6th day of October 1847 distinguished by a red colour with the exception of the part of the surface thereof which lies immediately over the said tunnels: And also to vest in the Company as against Her Majesty Her heirs or successors the easements by such indenture covenanted to be granted to the Company by the Chancellor and Council for an estate in fee simple anything contained in the Act of Parliament passed in the first year of Her Majesty Queen Anne chapter 7 or any other Act notwithstanding.

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

18. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed

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compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

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 any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their Undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges 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.

20. The powers 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.

Lands for extraordinary purposes.

21. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed two acres.

Extending time for sale of certain superfluous lands.

22. Section 28 (extending time for sale of certain superfluous lands) of the Great Northern Railway Act 1884 shall be read and have effect as if "four years" had been inserted therein instead of "two years" wherever the latter expression occurs.

As to taking houses of labouring class.

23. (1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(*a*) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom

and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b*) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced;

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom;

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of

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lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking;

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment;

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions if any as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspector which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may abandon construction of Shipley Branch Railway.

24. The Company may abandon the construction of the Shipley Branch Railway in Derbyshire authorised by the Great Northern Railway Act 1880.

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

25. The abandonment by the Company under the authority of this Act of the railway herein-before 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 railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has 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 1880.

Compensation to be made in respect of railway abandoned.

26. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding 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.

Extension of time for purchase of certain lands.

27. The powers of the Company for the compulsory purchase of lands for the purposes of

1. The widening of their railway at Leeds;
2. The new road at Bygrave in the county of Hertford;

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3. The new road at Tong in the west riding; and

4. The new footpath at Wortley in the west riding;

respectively authorised by the Great Northern Railway Act 1882 are hereby extended until the tenth day of August one thousand eight hundred and eighty-eight but the said powers respectively shall not be exercised after that date and section 40 of that Act shall be read and construed accordingly.

Extension of time for purchase of additional lands.

28. The powers granted to the Company by the 36th section of the Great Northern Railway Act 1882 for the compulsory purchase of the following lands in the west riding of the county of York (that is to say):

Certain lands in the several townships of Wortley Armley and Bramley in the parish of Leeds;

Certain lands in the parish of Calverley;

Certain lands in the township of Tong;

Certain lands in the township of Ossett; and

Certain lands in the township of Bradford;

are hereby extended and may be exercised as to those respective lands until the tenth day of August one thousand eight hundred and eighty-eight but shall not be exercised after that period and section 40 of that Act shall be read and construed accordingly.

Penalty unless railways are opened within the time limited.

29. If the Company fail to complete the railways which they are herein-before authorised to construct within the period limited by this Act in that behalf 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 respect of which such default is 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 opened or to be opened in the name and with the privity of the Paymaster General for or on behalf of the Supreme Court of Judicature in England 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.

30. 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 railways 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 in England 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 either 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 to 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 Company to apply their funds towards purposes of Act.

31. The Company may apply to the purposes of this Act to which capital is properly applicable 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.

Provision as to general Railway Acts.

32. 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

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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.

Costs of Act.

33. 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.

SCHEDULE.

Describing Houses Buildings and Manufactories of which portions only may be required.

Parish.	Numbers on Plans deposited with respect to this Act.
Heanor - - - -	4, 9, 36 and 37.
Colwick - - - -	40B and 41.

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