CHAPTER xcvi.

An Act to confer Additional Powers upon the Midland Railway Company and the Midland and Great Northern Railways Joint Committee for the Construction of Works and the Acquisition of Lands to make provision for the ranking of the existing and of future Debenture Stock and Mortgages of the Midland Railway Company and for other purposes. [20th July 1894.] A.D. 1894.

(New railways additional lands &c.)

WHEREAS it is expedient that the Midland Railway Company (in this Act called the Company) should be empowered to construct the new railways and to exercise the other powers in this Act mentioned and also to acquire retain hold and use additional lands for the purposes of this Act and for extending their station siding warehouse coal wharf depôt mineral goods and other accommodation and for other purposes connected with their undertaking and should also be empowered to retain and hold for those purposes certain other lands which they have purchased by agreement:

(Midland and Great Northern Railways Joint Committee.)

And whereas it is expedient that the Midland and Great Northern Railways Joint Committee incorporated by the Midland and Great Northern Railway Companies (Eastern and Midlands Railway) Act 1893 (in this Act called the Committee) should be empowered to make the widening of their existing railway and execute the other works and exercise the other powers in this Act mentioned and to acquire and hold additional lands for the purposes of their undertaking:

(Deposit of plans.)

And whereas plans and sections showing the lines and levels of the railways by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners

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and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the several counties within which the said railways and other works will be made and the said lands are situate and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

(Extension of time.)

And whereas it is expedient that the time limited by the Midland Railway Act 1891 for the purchase of lands for the construction of the Codnor Park and Coates Park Widening and the Ilkeston and Langley Mill Widening by that Act authorised should be extended:

(Revival of powers and extension of time—Mundesley Branch.)

And whereas it is expedient that the powers of the Committee for the compulsory purchase of lands for the purposes of the Mundesley Branch authorised by the Eastern and Midlands Railway (Further Powers) Act 1888 and extended by the Eastern and Midlands Railway (Extension of Time) Act 1891 should be revived and that the time now limited for the construction of the said branch should be extended:

(Superfluous lands.)

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

(Capital of Company.)

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and other works by this Act authorised and also for the making and enlargement of stations sidings warehouses engine-sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of the traffic on their railways and for completing the purchase of lands and buildings for any of the above-mentioned purposes and for providing additional plant and rolling stock block and interlocking signals and for the general purposes of their undertaking:

(Debenture stock of Company.)

And whereas the debenture stocks of the Company have been from time to time consolidated under the authority of Parliament and consisted on the thirty-first day of December one thousand eight hundred and ninety-three of the sum of twenty-seven million seven hundred and eleven thousand six hundred and ninety pounds or thereabouts Midland Railway three per centum debenture stock:

And whereas the Company have by circular addressed to the registered holders of the existing debenture stock of the Company called the attention of such holders to the intention to make provision as contained in this Act with respect to the future exercise of their borrowing powers by the creation of debenture stock to form part of and rank pari passu with their existing debenture

stock and inviting any holders objecting to the proposal to state the grounds of their objections:

And whereas with the exception of persons holding less than two per centum of the whole of the existing debenture stock none of the debenture stockholders of the Company have objected to such proposal:

And whereas the Company have borrowed on mortgage and on the thirty-first day of December one thousand eight hundred and ninety-three owed sums amounting to fifty-two thousand two hundred pounds or thereabouts the whole of which is repayable within ten years from the passing of this Act:

And whereas the Company possess borrowing powers which were unexercised on the thirty-first day of December one thousand eight hundred and ninety-three to the extent of one million two hundred and seventy-two thousand five hundred and thirty-two pounds or thereabouts:

(Application of funds by Great Northern Railway Company.)

And whereas it is expedient that the Great Northern Railway Company should be empowered to apply their funds to the purposes of this Act in which they are interested:

And whereas the objects of this Act cannot be effected 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 for all purposes as the Midland Railway Act 1894.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The transfer or transmission of shares;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital; and

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Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863.

Interpretation.

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

The expression "the railways" means the new railways and the widenings of existing railways by this Act authorised to be made by the Company:

The expressions "parish clerks" and "clerks of the several parishes" in sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places within the metropolis as defined by the Metropolis Management Act 1855 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 or with the clerk of the district board for the district in which the parish or place is included mean in the first case the vestry clerks of those parishes and in the second case the clerks of those district boards respectively:

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

Power to Company to make new 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 thereof respectively the railways 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 those plans and described in the deposited books of reference relating thereto respectively as may be required for those purposes:

The railways and works herein-before referred to and authorised by this Act to be made by the Company are—

(Wincobank north curve.)

A railway three furlongs and four chains in length to be called the Wincobank north curve situate wholly in the West Riding of the county of York commencing in the township of Ecclesfield in the parish of Ecclesfield by a junction with the Chapeltown Branch authorised by the Midland Railway (Additional Powers) Act 1890 and terminating in the township of Kimberworth in the parish of Rotherham by a junction with the Company's Sheffield and Rotherham Branch:

A railway one mile one furlong and three chains in length to be called the Hemingfield deviation situate wholly in the township of Wombwell in the parish of Darfield in the West Riding of the county of York commencing by a junction with the Company's Chapeltown Branch Extension Railway No. 1 authorised by the Midland Railway Act 1892 and terminating by a junction with the Company's Chapeltown Branch Extension Railway No. 2 authorised by the said Act: A.D. 1894. (Hemingfield deviation.)

Two railways to be called the Camden Town and Kentish Town widenings situate wholly in the parish of Saint Pancras in the county of London:— (Camden Town and Kentish Town widenings.)

No. 1 one mile one furlong and fifty links in length commencing by a junction with the Saint Pancras Branch of the Midland Railway and terminating by a junction with the Tottenham and Hampstead north curve of the Midland Railway:

No. 2 one furlong five chains and fifty links in length commencing by a junction with the said Railway No. 1 and terminating by a junction with the Company's Tottenham and Hampstead north curve.

5. The railways by this Act authorised to be made by the Company shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railway of the Company as if the same had been part of the Midland Railway at the date of the passing of the Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 and shall for all other purposes be part of the undertaking of the Company as authorised by the Midland Railway Consolidation Act 1844. Rates and charges for railways.

6. When and so soon as the Company shall have completed the construction of the Camden Town and Kentish Town widenings by this Act authorised the Great Eastern Railway Company may run over and use so much thereof and of the Company's Tottenham and Hampstead north curve as lies between the Company's main passenger lines at Kentish Town Station and the Tottenham and Hampstead Junction Railway upon and subject to the same terms and conditions as the Great Eastern Railway Company now have by agreement the right to run over and use the Company's southern curve to the Tottenham and Hampstead Railway The Company shall for the purpose of giving effect to the foregoing portion of this section lay in and for ever maintain and work at their own expense a junction or cross over lines between the said main lines and the said Camden Town and Kentish Town widenings at a point north of Running powers to Great Eastern Railway Company.

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the said Kentish Town Station and such junction or cross over lines shall be deemed for the purpose of this section to be part of the said Camden Town and Kentish Town widenings and the Company may thereupon discontinue the use of the said southern curve for passenger traffic.

Power to divert roads as shown on deposited plans.

7. The Company may in connexion with the Camden Town and Kentish Town Widenings Railway No. 1 by this Act authorised divert the public highways numbered on the deposited plans 92 and 93 in the parish of Saint Pancras in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease 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 appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

For the protection of the Manchester Sheffield and Lincolnshire Railway Company.

8. In carrying the Wincobank north curve by this Act authorised (in this section referred to as "the railway") over the railways of the Manchester Sheffield and Lincolnshire Railway Company (in this section called "the Sheffield Company") the following provisions for the protection of the Sheffield Company shall (unless otherwise agreed on in writing between the Sheffield Company and the Company) apply to and be obligatory upon the Company:—

(1) The Company shall carry the railway over the railways of the Sheffield Company at the proposed crossings thereof as shown on the deposited plans according to plans and sections to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Company:

(2) The railway shall be carried over the Brightside Branch of the railway of the Sheffield Company by means of a girder bridge having a clear span of fifty-two feet between the piers or abutments thereof measured on the square and having a clear height or headway between the underside of the girders and the upper surface of the rails of the Sheffield Company's railway of not less than fourteen feet six inches:

(3) The railway shall be carried over the Barnsley Branch of the Sheffield Company's railway by means of a girder bridge

having two clear spans of twenty-six feet each between the piers or abutments thereof measured on the square and having a clear height or headway between the underside of the girders and the upper surface of the Sheffield Company's railway of not less than fourteen feet six inches The central abutment or pier between the said two spans shall not exceed in thickness three feet six inches :

(4) During the construction of the railway over the railways of the Sheffield Company the Company will bear and on demand pay to the Sheffield Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said railways with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Company or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise :

(5) The Company shall at all times maintain the bridges and other works by which the railway shall be so carried over the railways of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Company fail so to do the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction :

(6) The Company and their contractors agents servants or workmen shall not in constructing or repairing the railway works over the railways of the Sheffield Company obstruct impede or interfere with the free and uninterrupted and safe use of the railways or other works of the Sheffield Company or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Company shall pay to the Sheffield Company all costs and expenses to which that company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to

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be recoverable with full costs by that company in any court of competent jurisdiction:

(7) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses which may be occasioned to that company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the railway and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission:

(8) The Company shall not in any case without the previous consent in writing under the common seal of the Sheffield Company take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession or under the power of the Sheffield Company except only such part or parts thereof respectively as it shall be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridges and other works by which the railway is under the provisions of this Act to be carried across the railways of the Sheffield Company:

(9) With respect to the railways works lands or property of the Sheffield Company which the Company are by this Act authorised to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same:

(10) If any question or difference shall at any time arise between the Company and the Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Company and the Sheffield Company or failing agreement by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.

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For the protection of the London and North Western Railway Company.

9. The following provisions for the protection of the London and North Western Railway Company (in this section referred to as "the North Western Company") shall apply and have effect:—

(1) The Company shall carry the Camden Town and Kentish Town widening No. 1 under the Hampstead Junction Railway of the North Western Company and the works and lands connected therewith by means of arching or covered way to extend for the full width of the property of the North Western Company at the proposed point of crossing and such works shall be constructed only in accordance with plans and sections to be previously submitted to and reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North Western Company herein-after referred to as the principal engineer and so as to keep open at all times the lines of railway and other works in connexion therewith of the North Western Company:

(2) In constructing and maintaining the said widening No. 1 where the same affects the said railway works or lands of the North Western Company the Company and their contractors servants agents or workmen shall not obstruct impede or interfere with the free and uninterrupted and safe user of the said railway or other works of the North Western Company:

(3) The Company shall at all times maintain all the works affecting the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer and if and whenever the Company fail so to do the North Western Company may make or do as well in and upon the lands of the Company or the lands acquired by them for the purposes of this Act as their own lands all such works and things as the principal engineer may reasonably think requisite in that behalf and the sum from time to time certified by such principal engineer to be the reasonable amount of such their expenditure shall be repaid to the North Western Company by the Company and in default of payment may be recovered in any court of competent jurisdiction:

(4) The Company shall not (except with the previous consent of the North Western Company under their common seal) take use or interfere with any land or property of that Company but the Company may purchase and take and the North Western Company may and shall sell and grant accordingly an easement or right of using so much of the lands of that Company as may be necessary for the construction of the said Camden Town and Kentish Town Widening No. 1 under the Hampstead

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Junction Railway of the North Western Company in accordance with the provisions of this section The amount to be paid for the acquisition of such easement shall be settled in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement:

(5) The Company shall on demand pay to the North Western Company all reasonable expenses of the employment by the North Western Company during the construction of the said works for and with respect to the said crossing of or affecting the North Western Company of a sufficient number of inspectors and watchmen to be appointed by the North Western Company for watching their said railway and works with reference to and during the execution of the works of the Company and for preventing as far as may be all interference danger and accidents from any of the operations or from the acts and defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:

(6) The Company shall be responsible for and make good to the North Western Company all costs losses damages and expenses from time to time occasioned to the North Western Company or to their said railway or any other of their works and property or to the traffic on the said railway or to any company or person using the same by reason of the execution or failure of the works by this Act authorised or by any act or omission of the Company or any of the persons in their employment or their contractors agents or others and the Company shall effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of any such execution or failure or of any such act or omission as aforesaid:

(7) The Company and the North Western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed:

(8) If any difference shall arise between the respective engineers of the Company and the North Western Company as to the reasonableness of the plans and sections herein-before provided for such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of the Company or the North Western Company.

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For the protection of the Gas Light and Coke Company.

10. For the protection of the Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall have effect (that is to say):—

(1) All works matters or things which under the provisions of the Railways Clauses Consolidation Act 1845 or this Act the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the gas company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction and under the direction of and in such manner as shall be reasonably required by the engineer for the time being of the gas company and such works matters or other things shall not be commenced until after ten days previous notice thereof in writing shall have been given to the gas company Provided always that if the gas company shall elect themselves to execute any portion of the works matters and things which the Company may by this Act be empowered or required to do or exercise with reference to or affecting the mains pipes syphons apparatus or other works of the gas company and of such their election shall give two days notice in writing to the Company by letter addressed to the same at their head office in Derby the gas company may themselves execute that portion of the said works matters and things and the reasonable expense of and incident to the executing the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction:

(2) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned to or sustained by the gas company by reason of any act or omission of the Company or of any of their contractors agents workmen or servants the Company shall pay to the gas company all costs incurred by them in making good such interruption and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction:

(3) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes syphons apparatus property works and conveniences by reason of the execution or failure of any of the intended works other than those ordered or directed by the engineer of the gas company

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or of any act or omission other than as aforesaid of the Company or of any of their contractors agents workmen or servants and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such execution or failure or of any such act or omission:

(4) Any difference arising between the Company and the gas company respecting any of the matters referred to in this enactment shall be settled at the request of either party by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers.

For the protection of the Dean and Chapter of Christ Church Oxford.

11. For the protection of the Dean and Chapter of the Cathedral Church of Christ in Oxford of the foundation of King Henry the Eighth their successors and assigns owners for the time being (herein-after called "the owners") of the Christ Church Kentish Town Estate (herein-after called "the estate") their lessees and tenants the following provisions shall apply:—

(1) No coal or other depôt shall be made on the estate without the consent of the owners:

(2) The Company shall not be entitled to take or use any clay gravel soil or minerals lying beneath the surface of the site of any road or part of a road which may be stopped up under the powers of this Act and abutting upon the estate unless such clay gravel soil or minerals shall be purchased by them from the owners:

(3) The Company shall pay to the owners compensation for all damage or injury of every description which may arise to the estate by or from the construction of the railway or any of the works connected therewith:

(4) The Company shall not under the provisions of this Act erect any new dwellings for the accommodation of the labouring class upon any lands now forming portion of the estate unless and until plans and specifications of such dwellings have been submitted to and approved of by the surveyor for the time being of the owners or in case of his disapproval by a surveyor to be appointed for that purpose by the Secretary of State for the Home Department.

For the protection of Receiver for the Metropolitan Police District.

12. The Company shall not in the exercise of the powers of this Act take or interfere with the land buildings and premises known as the Kentish Town Police Station situate in the parish of Saint Pancras now in the occupation of the Receiver for the Metropolitan Police District at any time earlier than the first day of June one thousand eight hundred and ninety-five.

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Leighton Road not to be diverted.

13. Notwithstanding anything shown on the deposited plans the Company shall not in the construction of the Camden Town and Kentish Town widenings by this Act authorised permanently divert any part of Leighton Road in the parish of Saint Pancras.

For the protection of Edward Thomas Leighton.

14. Subject to the provisions relating to the temporary use of lands contained in sections 30 to 44 of the Railways Clauses Consolidation Act 1845 and notwithstanding anything contained in this Act the Company shall not without the consent in writing of Edmund Thomas Leighton his heirs or assigns or other the owner for the time being of the freehold of the lands properties or holdings herein-after mentioned take any of the lands properties or holdings upon the northern side of Leighton Road aforesaid which are scheduled and severally numbered in the book of reference or deposited plans by the following numbers respectively viz. 121A 121B 122 122A 123 123A 124 125 126 126A and 126B unless the same severally shall be reasonably necessary for the purpose of constructing building or supporting thereon or on some part thereof respectively some portion of the Company's proposed widened permanent way or platforms or some portion of any erection or building to be used for passenger accommodation within the Company's proposed new station at Kentish Town or for the purpose of constructing building supporting or maintaining thereon or on some part thereof the retaining wall of such permanent way platform or building as last aforesaid or any of the foundations piers abutments girders or supports necessary for carrying Leighton Road aforesaid over the Company's proposed permanent way or passenger station:

If any difference arise between the Company and the said Edmund Thomas Leighton his heirs or assigns in relation to this section such difference shall be from time to time determined by arbitration in the manner (unless the parties shall otherwise agree) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For the protection of the Camden Town Estate.

15. In constructing the Camden Town and Kentish Town widenings in so far as the same affect the Camden Town Estate the following provisions shall apply and have effect:—

(1) Railway No. 1 shall be constructed between St. Paul's Road and Camden Road by means of a covered way without any openings or shafts for ventilation or other purposes except such openings as are shown on the plan signed by the Right Honourable the Earl of Morley the chairman of committees of the House of Lords and deposited in the Parliament Office of the House of Lords and thereon coloured mauve:

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(2) The Company shall erect and thereafter maintain round the said openings ornamental walls of a height of not less than ten feet of such materials and design as shall be approved by the surveyor for the time being of the owner of the Camden Town Estate:

(3) If the owner lessee or occupier of any house or building situate within fifty yards of either of the said openings shall consider that his interest in such property is damaged or depreciated in value by reason of the construction of such openings or the user thereof he shall have the right for twelve months after the completion and opening for traffic of the said widenings to make a claim against the Company in respect of such damage or depreciation in value and such claim shall be made and dealt with in manner provided by the Lands Clauses Consolidation Act 1845:

(4) During the construction thereof the works shall be fenced off with close boarded fences of a height of not less than six feet:

(5) The garden ground or enclosure in Camden Square shall be restored to its present form and level and the plantation properly replanted and such garden ground or enclosure and plantation shall be left open for the use of the inhabitants of Camden Square and the said portion of railway through Camden Square shall be completed so that the surface of the garden shall be restored to its present form and level and reopened for the use of the inhabitants of the said square within six months from the day of the commencement of any works of the Company in the said square or garden ground and if the said works are not so completed and the surface so restored within the said space of six months the Company shall pay to the treasurer of the Garden Committee of Camden Square by way of liquidated damages twenty-five pounds for every day beyond the six months during which the said works shall be incomplete and the damages so paid shall be divided by the said treasurer equally among the occupiers of the houses in the said square Provided that if there be no such occupier the share of such damages which would otherwise have been paid to such occupier shall be paid to the owner of the house:

(6) No building shall be erected by the Company on the garden ground in Camden Square:

(7) The Company within three years after the commencement of any of their works in Camden Square shall either rebuild over the railway houses in lieu of those which they may take down in Camden Square with similar front designs facing the square

or at the option of the Company shall plant and for ever maintain as ornamental ground the ground on which the houses stood which shall be so taken down as aforesaid:

(8) During the progress of the works one half at least of the public road round Camden Square shall always be left free for use and also one half at least of St. Augustine's Road and St. Paul's Road or the Company shall in lieu of such two last mentioned roads provide temporary roads of a width of not less than half the width of such roads:

(9) The Company shall be at liberty to remove the Sandalls Road Bridge upon compensating the owner for the time being of the Camden Town Estate and his lessees and tenants for all damage or depreciation in value caused to such estate by such removal:

(10) The amount of any compensation under this section if not agreed shall be settled in manner provided by the Lands Clauses Acts for the settlement of cases of disputed compensation:

(11) Nothing in this section shall affect the right of the owner for the time being of the Camden Town Estate or his lessees or tenants to compensation in respect of any lands acquired from or injury occasioned to his or their property by or in consequence of any of the works of the Company and not specifically provided for by this section.

For the protection of the London County Council.

16. With reference to the powers to be exercised and the works to be made under this Act in the county of London the following provisions shall have effect:—

(1) In and for the purposes of this and the next following section "the council" means the London County Council:

(2) All bridges to be constructed by the Company for carrying any road or street over the railway or works shall be constructed so as not to lessen the present clear width of such road or street including the footway or footways and in no case shall any such bridge be of less width between the parapets thereof than forty feet measured on the square except Camden Mews and Murray Mews respectively numbered on the deposited plans 13 and 26 in the parish of Saint Pancras which may be retained at not less than the existing width and every such bridge shall be so fenced as to prevent as far as may be practicable the escape of steam smoke or other offensive effluvia into any such road or street:

(3) The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the council twenty-one days notice in writing of their intention to commence the same by leaving such notice at the

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office of the council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the council shall have signified their approval of the same unless the council fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand:

(4) Before the Company commence any works which may affect the Camden Road branch of the Fleet Sewer of the council the Company shall construct a diversion of the said sewer to the satisfaction of the council and shall provide for the council equally convenient access to the same to that which they have to the present sewer.

For the protection of the sewers of the council.

17. The following provisions for the protection of the sewers of the council shall have effect (namely):—

The Company shall not commence any of the works by this Act authorised which shall or may pass over under or by the side of or so as to interfere with the sewers of the council until they shall have given to the council one month's previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with plans and sections thereof as herein-after defined and until the council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-one days after service of the said plans and sections as aforesaid and the Company shall comply with and conform to all reasonable orders directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the said sewers

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by reason of the intended works or any part thereof and shall save harmless the council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand and when any new altered or substituted works as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direct jurisdiction and control of the council as any sewers or works now or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the council but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Buildings not to be brought beyond general line &c.

18. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company in the exercise of any of the powers of this Act to encroach permanently upon any part of the surface of any street or footway within the county of London or without the consent of the London County Council to erect any building beyond the general line of building in any street.

For the protection of the vestry of St. Pancras.

19. For the protection of the vestry of the parish of Saint Pancras (in this section called "the vestry") the following provisions shall have effect (that is to say):—

(1) In and for the purposes of this section "the parish" means the parish of Saint Pancras in the county of London:

"Sewer" includes a drain and a culvert for the carrying off of surface water:

"The surveyor" means the chief surveyor for the time being of the vestry:

(2) Any road in the parish with which the Company interfere or under which they execute any works shall be reinstated to the reasonable satisfaction and under the superintendence of the surveyor and with such materials as the vestry shall prescribe and during the execution of the works temporary provision shall be made to afford the least possible interference with traffic to the satisfaction of the said surveyor:

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(3) Whenever in the construction of any of the works by this Act authorised or by reason of the execution of any of the powers of this Act it may at any time be necessary to divert alter or interfere with any sewers under the control and management of the vestry every such diversion alteration or interference and all works connected therewith or ancillary thereto shall be executed by the Company according to such plan and in such manner as may from time to time be reasonably prescribed or approved by the vestry and to the reasonable satisfaction of the surveyor:

(4) Before the Company execute any work or do any thing whereby the flow of sewage in any such sewer may be interrupted or interfered with they shall provide to the reasonable satisfaction of the surveyor a substituted sewer and connect the same with some other sewer of the vestry:

(5) If by reason of the execution of any of the powers of this Act any increased length of sewers shall become necessary the same shall be provided and laid down by or at the expense of the Company according to such plan and in such manner as may be reasonably approved by the vestry:

(6) All the carriageway footway and other paving gully gratings street posts lamp columns and other materials and appliances in or upon any of the streets courts alleys or passages in the parish which the Company may stop up under the powers of this Act shall remain the property of and belong to and be handed over without charge to the vestry at their nearest convenient depôt:

(7) Nothing in this Act contained shall interfere with the powers of the vestry from time to time as they think fit to construct sewers or to repair or inspect any sewer or to make connexions and communications therewith:

(8) The Company shall from time to time pay to the vestry all rates leviable by or payable to them upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property respectively shall be acquired by the Company until the Company's works are completed and liable to be assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in the rate made in the month of April one thousand eight hundred and ninety-four notwithstanding that the buildings thereon or forming part thereof may have been taken down:

(9) If any difference arise between the Company and the vestry in relation to this section such difference shall be from time to time determined by arbitration in the manner (unless otherwise agreed on) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Period for completion of new railways.

20. If the Wincobank north curve and the Hemingfield deviation are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Imposing penalty unless new railways opened.

21. If the Company fail within the period limited by this Act to complete the Wincobank north curve and the Hemingfield deviation or either of them they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the Hemingfield deviation is completed and opened for the public conveyance of passengers or until the Wincobank north curve 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 the uncompleted railway or railways:

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 the third section of the Railway and Canal Traffic Act 1854:

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter 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 the uncompleted railway or railways by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty in respect of new railways.

22. 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

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abandonment of the railway or railways in respect of which the penalty has been incurred 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 High Court may seem fit:

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 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 or the railway or railways in respect of which the penalty shall have been incurred or any part thereof has or have been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Company to abandon portion of authorised railway.

23. The Company shall abandon the construction of so much of the Chapeltown Branch Extension Railway authorised by the Midland Railway Act 1892 as will be rendered unnecessary by the construction of the Hemingfield deviation by this Act authorised.

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

24. The abandonment by the Company under the authority of this Act of the said portion of railway 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 Midland Railway Act 1892.

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

25. 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 portion of 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 Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to acquire lands for general purposes.

26. 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 from time to time enter upon take use and appropriate to the purposes of extending their stations sidings warehouses engine sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of their traffic and for providing accommodation for persons belonging to the labouring classes who may be displaced under the powers of this Act and for other purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto and may in connexion therewith exercise the powers herein-after mentioned (that is to say) :—

In the West Riding of the county of York—

(Additional lands at Hunslet.)

Certain lands in the township of Hunslet in the parish of Leeds lying on the south-west side of and adjoining the Company's railway from Leeds to Derby and adjoining and east of Pepper Lane and the Company may divert and carry along the west side of the said lands the existing footpath which now passes along the west side of the said railway :

In the county of Derby—

(Long Eaton.)

Certain lands in the township of Long Eaton in the parish of Sawley situate near to and west of Long Eaton Junction and lying between and adjoining the Company's railways from Nottingham and Trent to Long Eaton And the Company may in the same township and parish construct a footbridge over their Trent and Nottingham line at the level crossing thereof by Meadow Lane and may stop up and discontinue and extinguish all rights of footpath over the said level crossing and over so much of the existing footpath from Long Eaton to Thrumpton as lies between the north fence of their loop line between the North Erewash Junction and Long Eaton Junction and the south-easterly fence of their Trent and Nottingham line :

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(Nottingham.)

In the county of Nottingham—

Certain lands in the parishes of Saint Mary Nottingham and Standard Hill situate on the north side of and adjoining the Company's railway from Mansfield to Nottingham and between that railway and the Nottingham Canal.

For protection of the Hunslet Railway Company.

27. The powers of purchasing lands in the West Riding of the county of York conferred upon the Company under this Act shall not prejudice or affect the rights or powers of the Hunslet Railway Company under the Hunslet Railway Act 1893 to construct and maintain their railway across the said lands and section 36 of the last-mentioned Act shall extend and apply as well to the said lands if acquired by the Company as to their existing railway.

For the protection of the Corporation of Leeds.

28.—(1) The diverted footpath in the parish of Leeds adjacent to the Company's railway between Pepper Road and Wakefield Road by this Act authorised shall not be less than six feet in width and shall be made and completed to the reasonable satisfaction of the engineer for the time being of the city of Leeds and the Company shall not stop up the existing footpath until the diverted footpath shall be made and completed to the satisfaction of the said engineer:

(2) Provided that if the Hunslet Railway Company or the Great Northern Railway Company shall have constructed the railway authorised by the Hunslet Railway Act 1893 and made the bridge for carrying the existing footpath over their authorised railway as provided for by section 53 of the last-mentioned Act the Company shall not stop up or divert the existing footpath until they shall have constructed a footbridge similar to the one mentioned in the said section and all the provisions of that section applicable to the construction and maintenance of the bridge for carrying the existing footpath over the authorised Hunslet Railway shall apply to the construction by the Company of the bridge for carrying the diverted footpath over the same railway:

(3) The diverted footpath shall be repaired and maintained by the Company for a period of two years from the completion thereof and thereafter shall be repaired and maintained by and at the expense of the same persons in the same manner and to the same extent as the existing footpath is liable to be repaired or maintained.

Company may hold certain lands already acquired.

29. The Company may hold and may use and appropriate for any purpose connected with their undertaking the following lands which have already been acquired by them (that is to say):—

Certain lands in the parish of Royston in the West Riding of the county of York containing by admeasurement one acre two

roods and seven perches or thereabouts situate on the north-west side of and adjoining Station Road and south-west of and near the Company's Cudworth Station:

Certain lands in the parish of Brightside Bierlow in the said West Riding containing by admeasurement ten and a half perches or thereabouts situate on the south side of and adjoining Carlisle Street and near to and west of Cannon's Steel Works:

Certain lands in the parish of Frisby-on-the-Wreak in the county of Leicester containing by admeasurement one acre or thereabouts situate on both sides of and adjoining the Company's railway from Syston to Peterborough and west of the level crossing over the said railway near Frimley Mill:

Certain lands in the parish of St. Mary Stratford-le-Bow in the county of London containing by admeasurement three acres one rood and sixteen perches or thereabouts situate on the eastern side of and adjoining Old Ford Road and lying between that road and the River Lea and north of the Company's Bow Goods Station:

And the expenditure of money by the Company in or about the purchase of the said lands is hereby sanctioned and confirmed But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance having been or being caused or permitted by them upon any lands houses or property acquired by them as aforesaid and to which this section relates.

Power to Committee to widen railway.

30. Subject to the provisions of this Act the Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof the widening herein-after described with all proper works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto respectively as may be required for that purpose:

The widening herein-before referred to and authorised by this Act to be made by the Committee is—

(Widening at Spalding.)

A widening six furlongs seven chains and fifty links in length of the Committee's western joint lines from Spalding to Lynn situate wholly in the parish of Spalding in the parts of Holland in the county of Lincoln commencing at or near the eastern end of the bridge carrying Saint Thomas's Road under the said joint lines and terminating at a point eighteen chains or thereabouts measured in an easterly direction from the level crossing over the said joint lines of Cunningham's Drove:

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And the said widening shall for all purposes be part of the undertaking of the Committee.

Power to Committee to cross certain roads on the level.

31. 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 Committee may in the construction of the widening at Spalding by this Act authorised carry the same with a single line only whilst the widening shall consist of a single line and afterwards with a double line only across and on the level of the roads herein-after mentioned (that is to say):—

Number on Deposited Plan.	Parish.	Description of Road.
7	Spalding - - -	Public road.
11	Spalding - - -	Public road.
22	Spalding - - -	Public road.

Provided always that before opening for traffic the lines by this Act authorised to be laid on the level across the said roads numbered 7 and 11 in the parish of Spalding the Committee shall construct a footbridge at each such level crossing and shall not after such lines have been so opened for traffic permit foot passengers to cross the railway on the level at such crossings except at such times as the gates at such level crossing are open for the passage of vehicles.

Power to Committee to make footbridges.

32. Subject to the provisions of this Act the Committee may in the lines shown upon the deposited plans make the new footbridges herein-after described with all proper works and conveniences connected therewith and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes (that is to say):—

The Committee may construct a footbridge in the township of Bourn in the parish of Bourn in the parts of Kesteven in the county of Lincoln over the western joint lines from Bourn to Spalding at the level crossing thereof by Austerby Road and may stop up and discontinue all rights of footway over the said level crossing:

The Committee may construct a footbridge in the said township of Bourn in the parish of Bourn over the said western joint lines at the level crossing thereof by Twenty Drove and may stop up and discontinue all rights of footway over the said level crossing:

The Committee may construct a footbridge in the parish of Spalding in the parts of Holland in the county of Lincoln over the said western joint lines at the level crossing thereof known as Cuckoo Crossing and may stop up and discontinue all rights of footway over the said level crossing :

The Committee may construct a footbridge in the said parish of Spalding over the said western joint lines at the level crossing thereof known as Hawthorn Bank Crossing and may stop up and discontinue all rights of footway over the said level crossing.

Works below high-water mark not to be commenced without consent of Board of Trade.

33. The Committee shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Committee shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Committee and the amount of such costs and charges shall be a debt due from the Committee to the Crown and shall be recoverable accordingly with costs.

Power to Committee to acquire lands for general purposes.

34. Subject to the provisions of this Act the Committee in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto (that is to say) :—

In the county of Norfolk—

(South Lynn.) Certain lands in the parishes of South and West Lynn lying on the north side of and adjoining the Committee's railway from Sutton Bridge to Melton Constable and between the River Ouse and the public road from West Lynn to Wisbech :

(Melton Constable.) Certain lands in the parish of Briston and in the township of Melton Constable in the parish of Melton Constable lying on both sides of and adjoining the railways of the Committee at and near Melton Constable Station and on the south and

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south-east sides of and adjoining the road from Hindolvestone to Briston which passes over the said railways at that station:

(Holt.) Certain lands in the parish of Holt lying on the north-west side of and adjoining the railway of the Committee from Melton Constable to Cromer and on the north-east side of and adjoining Workhouse Lane.

Company not liable to repair surface of road level of which is not permanently altered.

35. 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 new railways or any of them by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or highway or approaches is permanently altered.

As to vesting of site and soil of portions of footpaths stopped up.

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

Extinguishment of rights of way &c.

37. Subject to the provisions of this Act all rights of way over and along the portions of highways which may under the provisions of this Act be stopped up and discontinued and over and along any of the lands which may under those provisions be acquired by compulsion shall be and the same are as from the stopping up or discontinuance of the said portions of highways or the purchase or acquisition of the said lands hereby extinguished.

Footpaths not to be stopped up until footbridges opened.

38. The Company or the Committee (as the case may be) shall not stop up any existing footpath until they shall have completed to the satisfaction of two justices and opened to the public the footpath or footbridge to be substituted therefor.

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

39. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company or the Committee (as the case may be) of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company or the Committee (as the case may

be) and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of the Company or the Committee (as the case may be) may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company or the Committee (as the case may be) the portions only of the properties so required without the Company or the Committee (as the case may be) being obliged or compellable to purchase the whole or any greater portion thereof the Company or the Committee (as the case may be) paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise:

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company or the Committee (as the case may be) that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company or the Committee (as the case may be) may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company or the Committee (as the case may be) allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portions cannot be severed from the remainder of such property without such material detriment the Company or the Committee (as the case may be) may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges

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and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder by the Company or the Committee (as the case may be) to sell and convey any premises.

Period for compulsory purchase of lands.

40. The powers granted by this Act to the Company and the Committee respectively for the compulsory purchase of lands houses and buildings shall cease after the expiration of three years from the passing of this Act.

Power to grant easements &c. by agreement.

41. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company or the Committee (as the case may be) any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting 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 easements rights and privileges as aforesaid respectively.

Restrictions on displacing persons of labouring class.

42.—(1) The Company or the Committee (as the case may be) shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or in any other city borough or urban sanitary district or in 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 next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company or the Committee (as the case may be)—

(A) Shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of

persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

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

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

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court.

(5) If the Company or the Committee (as the case may be) 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 said Secretary of State or the Local Government Board (as the case

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may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

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

(6) For the purpose of carrying out any scheme under this section the Company or the Committee (as the case may be) may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands beyond the metropolis by the Company or the Committee (as the case may be) for the purposes of any scheme under this section in the same manner in all respects as if the Company or the Committee (as the case may be) 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 or the Committee (as the case may be) 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 or the Committee (as the case may be) in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

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

(8) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9) 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 or the Committee (as the case may be) for the purpose of any scheme under this section.

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

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

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

(13) Any houses on any of the lands shown on the plans deposited with reference to this Act or to any former Act the powers of which are revived or extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company or the Committee (as the case may be) and for which houses no substitutes have been or are directed to be provided by any scheme approved by the said Secretary of State or the Local Government Board (as the case may be) under the powers of any previous Act relating to the Company or the Committee (as the case may be) shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the said Secretary of State or the Local Government Board (as the case may be) is unable to ascertain the number of such

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persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State or the Local Government Board (as the case may be) they might have been sufficient to accommodate.

(14) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons nct 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 of such persons who may be residing with them.

Extension of time for purchase of certain lands.

43. The time limited by the Midland Railway Act 1891 for the purchase of lands for the purposes of the construction of the Codnor Park and Coates Park widening and the Ilkeston and Langley Mill widening by that Act authorised is hereby extended till the eleventh day of June one thousand eight hundred and ninety-six.

Revival of powers of purchase of lands for Mundesley Branch.

44. The powers of the Committee for the compulsory purchase of lands for the purposes of the Mundesley Branch authorised by the Eastern and Midlands Railway (Further Powers) Act 1888 and extended by the Eastern and Midlands Railway (Extension of Time) Act 1891 are hereby revived and continued and may be exercised by the Committee until but not after the expiration of two years from the passing of this Act.

Extension of time for construction of Mundesley Branch.

45. The period now limited by the Eastern and Midlands Railway (Extension of Time) Act 1891 for the completion of the Mundesley Branch is hereby extended for a period of two years from the twenty-eighth day of June one thousand eight hundred and ninety-five and sections 32 and 33 of the Midland and Great Northern Railway Companies (Eastern and Midlands Railway) Act 1893 shall be read and construed as if the period by this Act limited for the completion thereof had been the period limited by the said Act of 1891:

If the Mundesley Branch is not completed within the said period of two years then on the expiration of that period the powers by this Act granted to the Committee for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed.

Saving agreement with Great Eastern Railway Company.

46. Nothing in this Act contained shall prejudice or alter the rights and powers given to the Great Eastern Railway Company under an agreement dated the ninth day of May one thousand eight

hundred and eighty-eight and scheduled to and confirmed by the Eastern and Midlands Railway (Further Powers) Act 1888. A.D. 1894.

Transfer under Act of 1893 to be subject to said agreement.

47. The Midland and Great Northern Railway Companies (Eastern and Midlands Railway) Act 1893 shall be read and construed as if the transfer effected by that Act had been expressly made subject to the provisions of the said agreement of the ninth day of May one thousand eight hundred and eighty-eight.

Extending time for sale of certain superfluous lands.

48. The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands belonging to them which have not yet been applied to the purposes of the Company or sold or disposed of by them in the parishes enumerated in the Second Schedule to this Act for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company or as the Company may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act:

But the Company shall at the expiration of such respective periods of ten years and two years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

Power to Company to raise additional money by creation of stock.

49. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise by the creation and issue of new ordinary stock such sums of money as they shall think necessary not exceeding six hundred thousand pounds exclusive of the other moneys which they are or may be by this or any other Act or Acts of Parliament authorised to raise.

Qualifications of new stock.

50. Except as by or under the powers of this Act otherwise provided all new stock issued under the powers of this Act shall in proportion to the amount of stock held by the same person at the same time entitle the respective holders of such new stock to the same dividends and profits and confer on them the like qualifications and the like rights of voting as the like amount paid up on the existing stock of the Company other than and except stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of the Company shall have been assigned.

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Power to borrow.

51. The Company may from time to time subject to the provisions of this Act borrow on mortgage of the undertaking or raise by the creation and issue of debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 any sum or sums not exceeding in the whole one third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock:

But no part thereof shall be borrowed until the whole of the capital stock at the time issued shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock has been issued and accepted and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid in reference to such capital has been given which certificate shall be sufficient evidence thereof.

Provisions with respect to appointment of a receiver.

52. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision:

The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver And in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

53. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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Company may create debenture stock.

54. Notwithstanding anything contained in section 36 of the Midland Railway Act 1893 (which section is hereby repealed) the Company may raise by the creation and issue of debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of this Act any of the moneys which they are by the said Act of 1893 or this Act authorised to raise by borrowing on mortgage.

Debenture stock to rank pari passu.

55. Notwithstanding anything contained in the Companies Clauses Act 1863 debenture stock hereafter created under the powers of any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act form part of and rank pari passu with the existing debenture stock of the Company and the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under any previous Act or this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Application of moneys.

56. All moneys raised under this Act whether by stock debenture stock or borrowing shall be applied only to the purposes of this Act and of any other Act of the present session of Parliament and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Company may apply corporate funds.

57. The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to Great Northern Railway Company to apply funds.

58. The Great Northern Railway Company may from time to time apply to the purposes of this Act in which they are interested and to which capital is properly applicable any moneys which they are by any other Act of this or any previous session authorised to raise and which may not be required for the purposes to which they are by such Act made specially applicable.

Interest not to be paid on calls paid up.

59. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made

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in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

60. The Company shall not out of any money by this Act authorised to be raised by them pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Saving rights of the Crown in the foreshore.

61. Nothing contained in this Act shall authorise the Committee to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Provision as to general Railway Acts.

62. Nothing in this Act contained shall exempt the Company or the Committee or their railways from the provisions of any general Act relating to railways or the better or 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 authorised to be taken by the Company or the Committee.

Costs of Act.

63. 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.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Part I.

Describing Lands Buildings and Manufactories whereof portions only are required to be taken by the Company.

Object for which Lands are required.	Township and Parish.	Number on Deposited Plans.
Wincobank North Curve	Township of Brightside Bierlow parish of Sheffield	5

Part II.

Describing Lands Buildings and Manufactories whereof portions only are required to be taken by the Committee.

Object for which Lands are required.	Parish.	Number on Deposited Plans.
Widening at Spalding -	Parish of Spalding - -	23

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SECOND SCHEDULE.

SUPERFLUOUS LANDS.

Railway.	Parish.
Burton Branches - - - - -	Burton-on-Trent.
Birmingham West Suburban Railway Improvement	Edgbaston.
Masborough South Curve - - - -	Rotherham.
Rushton and Bedford Widening Deviation -	Irthlingborough.
	Irchester.
	Wymington.
	Souldrop.
	Sharnbrook.
	Felmersham.
	Milton Ernest.

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