



CHAPTER lxxviii.

An Act for enabling the Great Eastern Railway Company to construct a new railway and other works in the county of Cambridge and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS it is expedient that the Great Eastern Railway Company (in this Act called "the Company") be authorised to make and maintain the railway herein-after described for connecting their Cambridge and Ely main line with their Newmarket branch railway and to widen their Cambridge main line and improve their station at Cambridge and in connection therewith to divert and alter the line and levels of Coldham Lane at Cambridge and to apply their funds for those purposes :

And whereas plans and sections describing the lines situations and levels of the works by this Act authorised the plans describing also the lands required for the purposes of this Act and a book of reference to such plans containing the names of the owners or reputed owners and the lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Cambridge and are in this Act referred to as "the deposited plans sections and book of reference" :

And whereas the objects aforesaid 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 (that is to say) :—

1. This Act may be cited as the Great Eastern Railway (New Line and Improvements at Cambridge &c.) Act 1893. Short title.

2. The following enactments (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this

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Incorporation of general enactments.

A.D. 1893. Act) are hereby incorporated with and shall be part of this Act (that is to say) The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. of the Railways Clauses Act 1863 (relating to construction of a railway).

Interpreta-
tion.

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

4. Subject to the provisions of this Act the Company from time to time may make execute and maintain in the lines and within the limits of lateral deviation shown on the deposited plans and according to the levels shown on the deposited sections the works herein-after described with all proper stations approaches works and conveniences in connection therewith respectively and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as are required for those purposes.

The works herein-before referred to and authorised by this Act will be situate in the county of Cambridge and are the following (that is to say):—

- (A.) A railway 1 mile 4 furlongs or thereabouts in length commencing in the parish of Saint Andrew-the-Less otherwise Barnwell by a junction with the Company's Cambridge and Ely main line and terminating in the parish of Cherry Hinton by a junction with the Company's Newmarket branch railway;
- (B.) A widening wholly in the parish of Saint Andrew-the-Less otherwise Barnwell aforesaid of the Company's Cambridge main line (on the east side thereof) and improvement of the Company's Cambridge station also in that parish commencing near the Hills Road Bridge and terminating near the bridge by which Mill Road is carried over the said main line;
- (C.) A diversion and alteration of the line and levels of Coldham Lane in the parish of Saint Andrew-the-Less otherwise Barnwell aforesaid for a distance of about 9 chains eastward and a distance of about 8 chains westward of the point at which that

lane is carried on the level over the Company's Cambridge and Ely main line at Cambridge; A.D. 1893.

and on the completion and opening for public use of such diversion all public or other rights of way or other rights over or affecting the said railway at the point at which Coldham Lane now crosses the same on the level shall be by this Act extinguished and the Company may thereupon stop up such level crossing.

5. Notwithstanding anything in this Act contained the Company shall not for the purposes of the railway by this Act authorised acquire any greater quantity in the aggregate than three acres and one rood of the common or commonable lands known as Coldham Common in the parish of Saint Andrew-the-Less otherwise Barnwell aforesaid. Limiting quantity of common land to be taken.

6. Notwithstanding anything in this Act contained or shown on the deposited plans the Company shall not interfere with the roadway numbered 47 on [the deposited plans in the parish of Saint Andrew-the-Less in the county of Cambridge. As to roadway No. 47 on the deposited plans.

7. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Cambridge (in this section called "the corporation") shall (unless otherwise agreed in writing between the Company and the corporation) apply and have effect:— For the protection of the Corporation of Cambridge.

(1.) In lieu of compensation for the land which the Company are empowered to take in Coldham Common for the construction of the railway by this Act authorised (and which land they may take possession of at any time after the passing of this Act) they shall within one year from taking possession of such land at their own cost convey to the corporation so much of the land within and without the limits of deviation numbered 17 on the deposited plans in respect of the parish of Saint Andrew-the-Less as will lie to the east of the said railway but the Company shall so place their railway that the quantity of land to be conveyed to the corporation shall not be less than three acres and a half. The master fellows and scholars of Saint John's College in the University of Cambridge may sell and convey to the Company or the corporation and the Company or the corporation may accept a conveyance accordingly of so much of the land numbered 17 referred to in this paragraph;

(2.) The land so to be conveyed to the Corporation shall be thrown into and form part of Coldham Common and shall be subject to the common and other rights now enjoyed over or in respect to that common and the Company shall to the satisfaction of

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the corporation fence off the lands so to be added to the common from the adjoining lands not forming part of the common ;

- (3.) The Company shall pay to the corporation the cost (not exceeding one thousand five hundred pounds) of the removal of the present rifle butts powder magazine and other buildings on Coldham Common and the reconstruction on the same common on the site indicated in the plan deposited in the office of the town clerk of Cambridge and signed by the district inspector of musketry for the eastern district of a new range of rifle butts magazine buildings fences and all other requisites for the complete equipment of a rifle range the butt to be constructed eighty feet in length at the top and forty-five feet in height and the faggots to be made bullet proof by wood in log but the magazine buildings fences and other requisites aforesaid to be of the same general character and capacity as those at present in use but before reconstructing such butts magazine and buildings the corporation shall submit to the Company plans and sections of the proposed works and if within fourteen days after the receipt of such plans and sections the Company shall by writing served on the town clerk of the borough disapprove of such plans and sections the matter in difference shall be determined by the Secretary of State for War or some person appointed by him in that behalf and his determination shall be final ;
- (4.) Before opening the railway by this Act authorised for public traffic the Company shall construct a footbridge over their railway on Coldham Common at such place as the corporation may require and a cattle creep and cartway not less than seven feet wide and eight feet high under their railway on the Common at such place as the Company may determine and all such works shall be executed to the reasonable satisfaction of the corporation In order to obtain the said headway of eight feet the Company may lower the present surface of the common (but not to an extent exceeding three feet) and may also enter upon the said common in order to form the necessary approaches to the said cattle creep and cartway The Company shall also make provision for draining the cattle creep and cartway into the ditch shown on the deposited plans at a distance of one furlong or thereabouts from the commencement of the railway ;
- (5.) During the construction of the railway on Coldham Common the Company shall make proper communication for enabling persons horses carts and cattle to cross the railway works and to pass from one side of the common to the other ;

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(6.) Before opening the railway by this Act authorised for public traffic the Company shall construct a bridge and approaches for carrying Coldham Lane over their railway with gradients not steeper than 1 in 20 and of a width between the parapets of not less than twenty-five feet and shall make the parapets of the portion of the bridge immediately over the railway of the height of six feet above the level of the roadway. Upon the construction and completion of the said bridge the Company may stop up and abolish the existing level crossing at Coldham Lane and remove the existing footbridge there. The expense of maintaining the structure of the new bridge and the road thereon and the structure of the approaches thereto shall be borne by the Company and the expense of maintaining the roadway on the approaches and any lighting of the bridge and approaches shall be borne by the corporation;

(7.) In the event of any difference arising between the corporation and the Company in respect of any of the provisions of this section or the works to be executed thereunder the same shall except when otherwise provided be settled by an engineer to be appointed upon the request of either party by the President for the time being of the Institution of Civil Engineers.

8. If at the expiration of two years from the construction of the railway authorised by this Act to be constructed upon Coldham Common it shall after inquiry in the opinion of the Board of Agriculture be necessary that other means of communication between the severed portions of Coldham Common shall be afforded the Company shall if required by the Board of Agriculture so to do erect another footbridge of the same kind and dimensions as the footbridge to be constructed over the said railway under the provisions of the preceding section.

Further means of communication between severed portions of Coldham Common.

9. Whereas under and by virtue of a certain agreement dated the twenty-second day of January one thousand eight hundred and sixty-five and made between the London and North Western Railway Company of the first part the Bedford and Cambridge Railway Company of the second part and the Great Eastern Railway Company of the third part the London and North Western Railway Company (herein-after called "the North Western Company") are entitled to run over and use certain portions of the Company's railway and certain portions of their station at Cambridge and are entitled to the user of certain accommodation and conveniences at the said station as in the said agreement set forth and upon the terms and conditions therein specified And whereas for the purpose

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

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of constructing and carrying out the works and improvements referred to and authorised by section 4 of this Act it may be necessary for the Company to interfere with the portions of railway station accommodation and conveniences now used and enjoyed by the North Western Company under the provisions of the aforesaid agreement. Be it enacted that both during the construction of the widening by this Act authorised and from and after the completion thereof the Company shall provide to the reasonable satisfaction of the North Western Company such accommodation and conveniences for the North Western Company and for the conduct of their traffic to from and at the said station at Cambridge as shall in all respects be as nearly as circumstances will permit equal to the accommodation and conveniences to which they are now entitled under the aforesaid agreement and upon the same terms conditions and provisions as are in the said agreement set forth.

Except as herein expressly provided nothing in this Act shall prejudice alter or affect the rights or privileges of the North Western Company or of the Company under the said agreement so far as it is now in force and for the purpose of calculating any payments to be made by the North Western Company or for all other purposes of the said agreement the accommodation and conveniences that may be provided by the Company for the North Western Company under this section shall be deemed to be the accommodation and conveniences provided or to be provided by the Company under the terms of the aforesaid agreement.

Any difference which may arise between the Company and the North Western Company under this section shall from time to time be determined in the same manner as disputes or differences are provided to be determined by clause 19 of the aforesaid agreement.

For the protection of the Midland Railway Company.

10. Notwithstanding anything in this Act contained the Company shall not enter upon take or use compulsorily for the purposes of the widening and improvement at Cambridge by this Act authorised any lands or property in the parish of Saint Andrew-the-Less otherwise Barnwell in the county of Cambridge belonging to the Midland Railway Company without the previous consent in writing of that Company under their common seal.

Compensation to be made in respect of private rights extinguished

11. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by this Act are extinguished or interfered with and such compensation shall (in default of agreement) be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for

that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land. A.D. 1893.

12. 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 any easement right or privilege (not being an easement of water) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements &c. by agreement.

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

(A.) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

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

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

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

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the 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 Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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

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

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

(11.) Any houses on any of the lands shown on the deposited plans 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 and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company 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 Local Government Board are unable to ascertain the number of such 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

A.D. 1893. the Local Government Board they might have been sufficient to accommodate.

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

Penalty imposed unless railway opened within the time limited.

14. If the Company fail within the period limited by this Act to complete the railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 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 specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

15. Every sum of money so recovered by way of penalty for the non-completion of the railway by this Act authorised shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall

have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

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

Period for compulsory purchase of lands.

17. If the railway widening of railway station improvements and other works shown on the deposited plans and sections and by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway widening of railway station improvements and other works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for the completion of works.

18. And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that a portion only of the buildings and property shown on the deposited plans and described in the schedule to this Act may be sufficient for the purposes of the same and that such portion may be severed from the remainder of the said buildings and property without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the buildings and property described in the schedule to this Act and whereof a part only is required for the purposes of this Act may if such portion 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 such buildings and property without material detriment thereto be required to sell and convey to the Company the portion only of the said buildings and property so required without the Company being obliged or compelled to purchase

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

A.D. 1893. — the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Tolls. **19.** The railway widening of railway station improvements and other works belonging to the Company which the Company are by this Act authorised to make execute and maintain shall subject to the provisions of this Act be in respect of tolls rates and charges and in all other respects part of the undertaking of the Company.

Power to apply existing funds. **20.** The Company may raise and apply for or towards any of the purposes of this Act or of any of their existing Acts to which capital is properly applicable any money which they are already authorised to raise and which may not be required by them for the special purposes (if any) for which that money was authorised to be raised Provided always that when by any existing Act relating to the Company the amount which the Company may raise and apply for any specified purpose is limited nothing in this section shall authorise the Company to raise or apply for such purpose any sum beyond the amount so limited.

As to transmission of telegraphic messages. **21.** Nothing in this Act shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law.

Provision as to general railway Acts. **22.** Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or to the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares tolls or charges or the rates for small parcels authorised by any Act relating to the Company.

Expenses of Act. **23.** The costs charges and expenses preliminary to and of and incidental to the preparing and applying for and the obtaining and passing of this Act shall be paid by the Company.

[56 VICT.] *Great Eastern Railway (New Line and [Ch. lxviii.]
Improvements at Cambridge, &c.) Act, 1893.*

The **SCHEDULE** referred to in the foregoing Act. A.D. 1893.

DESCRIBING THE BUILDINGS AND PREMISES WHEREOF A PORTION ONLY
IS REQUIRED TO BE TAKEN BY THE COMPANY.

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RAILWAY AT CAMBRIDGE.	
Cherry Hinton - - -	13

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