



**CHAPTER clxxxiii.**

An Act to empower the Midland Railway Company to construct a Harbour at Heysham in Morecambe Bay 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 and for other purposes.

A.D. 1896.

[7th August 1896.]

**W**HEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct a harbour at Heysham in Morecambe Bay in the county of Lancaster 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 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 railways and exercise the other powers in this Act mentioned and to acquire and hold additional lands for the purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the harbour railways and other works 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 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 :

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And whereas it is expedient that the time limited by the Midland Railway Act 1894 for the compulsory purchase of lands for the purposes of the Codnor Park and Coates Park and the Ilkeston and Langley Mill Widenings authorised by the Midland Railway Act 1891 should be extended :

And whereas it is expedient that the time limited by the Midland Railway Act 1893 for the compulsory purchase of lands for the Gloucester New Dock Branch the widening at Wincobank and a portion of the widening at Saltley by that Act authorised should be extended and that the time by the said Act limited for the construction of the Gloucester New Dock Branch should be extended :

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 :

And whereas it is expedient that some of the powers and provisions of existing Acts relating to the Company should be amended as provided by this Act :

And whereas it is expedient that powers should be conferred upon the Company as contained in this Act for the purposes of enabling them to transmit electricity to be used for the purposes of the Company between portions of their railway stations works and property at Saint Pancras :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the harbour 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 :

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 :—

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1. This Act may be cited for all purposes as the Midland Railway Act 1896.

Short title.

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

Incorporation of general Acts.

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 :

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

And the Harbours Docks and Piers Clauses Act 1847 :

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

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 :

Interpretation.

The expression "the harbour" means the harbour by this Act authorised :

The expression "the harbour works" means and includes the piers or breakwaters and the jetty by this Act authorised and the works connected therewith :

The expression "the railways" means the new railways by this Act authorised :

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.

4. Subject to the provisions of this Act the Company may make and maintain a harbour in Morecambe Bay and for that purpose may make and maintain in the lines and according to the levels

Power to Company to make harbour works.

A.D. 1896. shown on the deposited plans and sections thereof respectively the piers or breakwaters and jetty 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 those purposes :

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

A pier or breakwater (No. 1) commencing at a point on the foreshore at or near the promontory known as the Near Naze and extending into the sea in a south-westerly direction for a distance of eleven hundred yards or thereabouts and there terminating :

A pier or breakwater (No. 2) commencing at a point on the foreshore at or near the promontory known as the Red Nab and extending into the sea in a north-westerly direction for a distance of eleven hundred and thirty yards or thereabouts and there terminating :

A jetty or landing-place commencing on the foreshore four hundred and forty yards or thereabouts south of the commencement of the pier or breakwater No. 1 as herein-before described and extending into the sea four hundred and thirty yards or thereabouts in a westerly direction and there terminating.

Power to dredge &c.

5. Subject to the provisions of this Act the Company may dredge scour cleanse deepen and remove any rocks banks sand mud or shingle within or adjoining the harbour and the piers or breakwaters and jetty by this Act authorised or the approaches thereto and may make and maintain all necessary approaches roads jetties wharves quays rails sidings sheds buildings cranes tips machinery mooring and other buoys beacons electric and other lights water-pipes works and conveniences.

Harbour to form part of existing undertaking of Company at Morecambe.

6. The harbour and the harbour works shall for all purposes be part of the undertaking of the Company and the Company may demand collect and receive in respect thereof any dues rates and charges not exceeding the dues rates and charges authorised by the North Western Railway Act 1852 to be demanded collected and received by the North Western Railway Company in respect of the docks by that Act authorised.

Limits of deviation.

7. In constructing the harbour works the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding

five feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the previous consent in writing of the Board of Trade.

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8. The Company 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 Company 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 Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

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

9. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

10. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

11. The Company shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve :

Lights on works.

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If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

**12.** The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct :

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Provision against danger to navigation.

**13.** In case of injury to or destruction or decay of the harbour works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House of Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

As to future accretions.

**14.** If any land not required for the purposes of this Act shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed or by any other means cease to be subject to the flow and reflow of the ordinary tides or to be permanently covered with water (and that whether gradually or imperceptibly or otherwise) the Company shall not by virtue of the ownership of any lands which they are by virtue of this Act empowered to take or acquire have any estate right or interest in or to the land so raised in height or reclaimed or ceasing to be so subject or to be so covered as aforesaid by reason that such raising reclamation or cesser has been gradual or imperceptible or has been wholly or partially caused either by the works by this Act authorised or otherwise.

Period for completion of harbour works.

**15.** If the harbour works are not completed within the period of seven 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.

For the protection of the London and North Western

**16.** From and after the opening of the harbour and works in Morecambe Bay by this Act authorised (in this section called "Heysham Harbour") the Company shall at all times afford to the London and North Western Railway Company through rates and

facilities for traffic passing or destined to pass to or from places on or beyond the London and North Western Railway and exported or imported through Heysham Harbour and except that such traffic shall be worked by the Company between Heysham Harbour and the junction with the London and North Western Railway at Morecambe such facilities shall be similar to and as full and effectual in all respects as those to which the London and North Western Railway Company are entitled for traffic to and from Morecambe under a certain agreement dated the seventh day of September one thousand eight hundred and seventy-five and made between the Company and the London and North Western Railway Company.

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Railway  
Company.

17. 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 (that is to say) :—

Power to  
acquire lands  
for general  
purposes.

In the west riding of the county of York—

Lands in the parish of Swinton situate on the west side of and adjoining the Company's railway from Derby to Leeds near their Swinton Station and lying respectively south of Carlisle Street and north of Station Street :

(Additional  
lands at  
Swinton.)

In the county of Derby—

Lands in the parish of Duffield lying on the west side of and adjoining the Company's railway from Derby to Leeds and twenty chains or thereabouts north of their Duffield Station :

(Duffield.)

In the county of Leicester—

Lands in the parish of Glenfield situate on the north side of and adjoining the Company's railway from Desford to Leicester and near to their Glenfield Station :

(Glenfield.)

In the county of London—

Lands in the parish of Saint Pancras being the houses Nos. 26 and 28 Leighton Road and other lands in the said parish of Saint Pancras situate on the west side of the Highgate Road near the Bull and Gate public-house and east of the Company's Kentish Town yard.

(Kentish  
Town.)

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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 to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street in that county :

But this section shall not prevent the Company from extinguishing all rights of way over and appropriating the piece of roadway numbered on the deposited plans 11 in the parish of Saint Pancras and within the limits of land to be purchased if and when the Company shall have acquired all the premises abutting on that piece of roadway.

For the pro-  
tection of the  
vestry of  
St. Pancras.

19. For the protection of the vestry 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 engineer" means the chief engineer for the time being of the vestry :
- (2) Any road 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 engineer and with such materials as the vestry shall reasonably prescribe :
- (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 engineer :
- (4) Before the Company execute any work or do anything whereby the flow of sewage in any sewer may be interrupted or interfered with they shall provide to the reasonable satisfaction of the engineer 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 :



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- (6) All the carriageway footway and other paving gully gratings street posts lamp columns 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 depot:
- (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-six 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.

20. Before the Company under the provisions of this Act stop up discontinue or appropriate to the purposes of their undertaking any of the streets or places in the parish of Saint Pancras in which any main or pipe of the New River Company shall be laid they shall give to the New River Company twenty-eight days previous notice in writing of their intention so to do and shall to the satisfaction of the engineer for the time being of the New River Company take up and deliver to that company all the mains pipes and water apparatus belonging to that company which shall be laid in any such street or place.

For the protection of the New River Company.

21. 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 railways herein-after described with all proper approaches stations sidings works and conveniences connected therewith and may enter upon take and

Power to Committee to make railways.

A.D. 1896. 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 railways herein-before referred to and authorised by this Act to be made by the Committee are—

(Cromer and Mundesley Railways.)

A railway (No. 1) three miles four furlongs three chains and fifty links in length commencing in the parish of Runton in the county of Norfolk by a junction with the Cromer line of the Committee and terminating in the parish of Northrepps in the said county at a point three chains or thereabouts in a southerly direction from the south-east corner of Rectory Cottage :

A railway (No. 2) four miles six furlongs eight chains and thirty links in length commencing in the parish of Northrepps in the county of Norfolk by a junction with Railway No. 1 at its termination and terminating in the parish of Mundesley in the said county by a junction with the authorised Mundesley Branch of the Committee.

Rates and charges for railways.

22. The railways shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the undertaking of the Committee as if the same had been part of the Eastern and Midlands Railway at the date of the passing of the Railway Rates and Charges No. 11 (London Tilbury and Southend Railway &c.) Order Confirmation Act 1892 and shall for all other purposes be part of the undertaking of the Committee as if it had been vested in the Committee by the Midland and Great Northern Railway Companies (Eastern and Midlands Railway) Act 1893.

Inclination of a certain road.

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

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
17	Cromer	RAILWAY No. 1. Public	1 in 18.

Span of bridges.

24. The Committee may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of

any spans not less than the spans herein-after mentioned in connexion therewith respectively (that is to say) :— A.D. 1896.

No. on deposited Plan.	Parish.	Description of Road.	Span.
RAILWAY NO. 1.			
17	Runton - - -	Public - - -	20 feet.
24	Northrepps - - -	Public - - -	20 feet.

25. The Committee may make the roadway over the bridges by which the following roads will be carried over the railways of such width between the fences thereof as the Committee think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :— Widths of certain roadways.

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
RAILWAY NO. 2.			
36	Trimingham - - -	Public - - -	20 feet.
56	Trimingham - - -	Public - - -	20 feet.
1	Gimingham - - -		
20	Gimingham - - -	Public - - -	20 feet.

26. The Committee may divert the public highway referred to in the next following table in the manner shown upon the deposited plans and sections and when the new portion thereof 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 (that is to say) :— Power to divert road as shown on deposited plans.

Railway.	Parish.	No. of Road on deposited Plan.
Railway No. 2 - - -	Trimingham - - -	35

And when and so soon as the said road is so stopped up all rights of way over the same shall cease and the Committee 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 Committee.

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Committee  
not liable to  
repair sur-  
face of road  
level of which  
is not per-  
manently  
altered.

Railways  
not to be  
opened till  
Mundesley  
Branch  
completed.

For protec-  
tion of the  
Great  
Eastern  
Railway  
Company.

**27.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Committee shall not be liable to maintain the surface of any road or public highway which shall be carried over the 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.

**28.** The Committee shall not without the consent in writing of the Great Eastern Railway Company under their common seal open for public traffic any part of the railways by this Act authorised until they shall have completed and opened for the public conveyance of passengers their authorised Mundesley Branch.

**29.** The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the Railway No. 1. hereby authorised and with respect to the making and maintaining of that railway shall unless with the previous consent of the Great Eastern Railway Company (hereinafter called "the Great Eastern Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

- (A) The Committee shall not without the previous consent of the Great Eastern Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to or worked by that company except only so far as shall be necessary for the purpose of making and maintaining the said railway as the same is according to this Act to be constructed:
- (B) With respect to the land of the Great Eastern Company which the Committee is by this Act authorised to use enter upon or interfere with for the purposes of the said railway the Committee shall not purchase or take the same but the Committee may purchase and take and the Great Eastern 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 Committee might purchase and take the same The price or compensation to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:
- (C) The abutments of the bridge where it is intended the said railway shall pass under the Great Eastern Railway in the parish of Northrepps in the county of Norfolk shall be constructed of a sufficient width to carry five lines of railway

and the design and method of construction of the said bridge shall in all things be subject to the approval of the principal engineer for the time being of the Great Eastern Company :

- (D) If at any time hereafter the Great Eastern Company shall widen their railway and shall give notice to the Committee that for the purpose of such widening they require the aforesaid bridge under the Great Eastern Railway to be widened to any extent not exceeding twenty-eight feet the Committee shall forthwith at their own expense widen such bridge accordingly and the provisions of this enactment so far as they are applicable shall apply to such widening :
- (E) The said railway where the same will be made under or will otherwise interfere with any railway siding or other work belonging to or worked by the Great Eastern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer for the time being of the Great Eastern Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Committee shall (subject as aforesaid) be determined by arbitration in manner hereinafter provided :
- (F) The Committee shall take all possible precaution in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Great Eastern Company :
- (G) The Committee shall bear and on demand pay to the Great Eastern Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Committee and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Committee or their contractors or any person in the employ of the Committee or of their contractors with reference thereto or otherwise :
- (H) If by reason of the execution of any of the works or any proceedings of the Committee or the failure of any such works or any act or omission of the Committee or of their contractors

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or of any person in the employ of the Committee or of their contractors or otherwise any railway siding or other work of the Great Eastern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Committee at their own expense or in the event of their failing so to do then the Great Eastern Company may make good the same and recover the expense thereof with full costs against the Committee in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Great Eastern Company by reason of any of the matters or causes aforesaid the Committee shall pay to the Great Eastern Company all costs and expenses to which that company may be put as well as full compensation to be recoverable with full costs by that company from the Committee in any court of competent jurisdiction :

(i) The Committee shall at all times maintain the said bridge and all works connected therewith or incidental thereto by which their railway is carried under the railways sidings or other works of the Great Eastern Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said engineer of that company And if and whenever the Committee fail so to do the Great Eastern Company may make and do in and upon as well the lands of the Committee as their own lands all such works and things as that company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Committee and in default of full repayment may be recovered with full costs by the Great Eastern Company from the Committee in any court of competent jurisdiction :

(j) If any difference not otherwise in this section provided for shall arise between the Committee and the Great Eastern Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Arbitration Act 1889.

Period for completion of railways.

**30.** If the railways be 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 Committee 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 railways opened.

**31.** If the Committee fail within the period limited by this Act to complete the railways or either of them the Two Companies shall

be liable jointly and severally to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the same are 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 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 Committee 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.

**32.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the 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 Committee 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 :

Application  
of penalty.

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 Committee is

A.D. 1896. — 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 Committee for the benefit of the creditors thereof and subject to such application shall be repaid to the Committee.

Power to Committee to acquire lands for general purposes.

**33.** 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 Lincoln (parts of Holland)—

Lands in the parish of Moulton situate on both sides of and adjoining the railway of the Committee from Spalding to Sutton Bridge near to and west of Moulton Station :

Lands in the parish of Fleet situate on both sides of and adjoining the said railway near to and east of Fleet Station :

Lands in the parish of Gedney situate on both sides of and adjoining the said railway and near to and east of Gedney Station :

Lands in the parish of Sutton Saint Nicholas (otherwise Lutton) and in the parish of Long Sutton situate on both sides of and adjoining the said railway and near to and north-west of Long Sutton Station :

In the county of Norfolk—

Lands in the parish of Walpole Saint Andrew situate on both sides of and adjoining the railway of the Committee from Sutton Bridge to Lynn near to and south-east of Walpole Station :

Lands in the parish of Tilney All Saints situate on both sides of and adjoining the said railway near to and west of Clenchwarton Station.

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

**34.** And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Committee of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Committee and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required



for the purposes of the Committee (all which persons or each or any of them are herein-after included in the term "the owner" and all which properties are herein-after referred to as "the scheduled properties") may (subject to the provisions herein-after in this section contained) be required to sell and convey to the Committee a portion only of such property without the Committee being obliged or compellable to purchase the whole:—

- (1) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Committee that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Committee such portion only without the Committee being obliged or compellable to purchase the whole the Committee paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (2) If within such twenty-one days the owner shall by notice in writing to the Committee allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Committee have compulsory powers of purchase) can be so severed :
- (3) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Committee the portion which the tribunal shall have determined to be so severable without the Committee being obliged or compellable to purchase the whole the Committee paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its

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absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Committee may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Committee in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit :

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845 :

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

**35.** 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 owners to grant easements &c.

**36.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act 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.

**37.**—(1) The Company or the Committee (as the case may be) shall not under the powers of 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 district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department or the Local Government Board (as the case may be) twenty or more houses or ten or more houses (as the case may be) which were not so occupied on the fifteenth day of December last but have been or shall be subsequently so occupied :

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—  
Restriction  
on taking  
houses of  
labouring  
class.

(2) The Company shall not under the powers of any former Act extended by this Act purchase or acquire in any city borough or urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of the respective former Act by which such purchase or acquisition was originally authorised were or have been since such day or shall hereafter be so occupied unless and until they shall have complied with the conditions relating thereto imposed by the respective former Act by which the powers were conferred :

(3) For the purposes of this section the expression “labouring class” means and includes mechanics artisans 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 of such persons who may be residing with them.

**38.** The time limited by the Midland Railway Act 1894 for the purchase of lands for the purposes of the Codnor Park and Coates Park and the Ilkeston and Langley Mill Widening respectively authorised by the Midland Railway Act 1891 is hereby extended till the eleventh day of June one thousand eight hundred and ninety-eight :

Extension of  
time for  
purchase of  
certain lands.

The time limited by the Midland Railway Act 1893 for the purchase of lands for the purposes of the Gloucester New Dock Branch and the widening at Wincobank by that Act authorised and for the purposes of so much of the widening at Saltley by that Act authorised as lies to the south of the towing-path of the Birmingham and Warwick Junction Canal is hereby extended till the ninth day of June one thousand eight hundred and ninety-eight.

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Extension of  
time for con-  
struction of  
Gloucester  
New Dock  
Branch.

**39.** The period limited by the Midland Railway Act 1893 for the completion of the Gloucester New Dock Branch by that Act authorised is hereby extended for a period of three years from the ninth day of June one thousand eight hundred and ninety-eight and sections 17 and 18 of that Act shall be read and construed as if the period by this Act limited for the completion thereof had been the period limited by that Act:

If the Gloucester New Dock Branch be not completed within the said period of three years then on the expiration of that period the powers by this Act granted to the Company for making and completing the same respectively or otherwise relating thereto shall cease except as to so much thereof respectively as shall then be completed.

Extending  
time for sale  
of certain  
superfluous  
lands.

**40.** 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.

Powers as to  
supply of  
electricity  
to Company's  
works at  
Pancras  
Road &c.

**41.—(1)** Subject to the provisions of this Act the Company may from time to time lay down alter maintain renew and remove either above or under ground mains pipes tubes wires and other works necessary to enable the Company to convey and transmit electricity to be used only for the purposes of the Company in their railway stations offices works and property in the parish of Saint Pancras directly used by and in the hands of the Company for the purpose of their undertaking and not let to tenants and for the purposes of this section the Company may break up the streets known as Midland Road and Phoenix Street both within the said parish Provided that no such mains pipes tubes wires or other works shall be placed across along or so as to affect any sewer of the London County Council otherwise than in such manner as

shall be reasonably required by the engineer for the time being of the said council: A.D. 1896.

(2) Where any of the proposed works are situate in over or under either of the said streets the Company shall comply with such conditions and regulations for the protection of the public safety as the Board of Trade may from time to time prescribe:

(3) In exercising the powers by this section conferred the Company shall be subject to the following restrictions and conditions:—

(A) Before any works affecting either of the said streets are commenced plans and sections of the proposed works shall be submitted to and approved by the engineer of the vestry of Saint Pancras (in this section referred to as "the vestry") or in case of his disapproval by an engineer to be nominated for that purpose by the Board of Trade on the application of either the Company or the vestry:

(B) All the works shall be carried out in so far as they affect either of the said streets under the supervision and to the satisfaction of the engineer of the vestry but at the expense of the Company:

(C) The said streets shall at all times be kept open for vehicular traffic under a penalty of ten pounds for every hour during which either of the said streets shall be closed without the consent of the vestry:

(D) The Company shall indemnify the vestry against any claims or demands whatsoever arising from the exercise of the powers by this section conferred:

(E) The making good and reinstatement of the surface of the said streets shall in all cases be executed by the vestry and the Company shall give to the engineer of the vestry not less than twenty-four hours notice when the works have been constructed and filled in and are ready for such reinstatement and the Company shall on demand repay to the vestry the cost of such surface reinstatement such cost to include any further reinstatement rendered necessary by the existence of the works or by subsidence of the disturbed ground:

(F) The Company shall at their own expense within fourteen days of receiving a request in that behalf in writing under the hand of the engineer of the vestry raise lower or alter the position of any wire or apparatus placed over or under either of the said streets by the Company:

(G) The Company shall not interfere with any sewer drain or electric lighting main pipe wire or apparatus or other property

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of the vestry without the consent of the vestry in writing under the hand of their engineer first obtained :

- (H) The Company shall be subject with reference to the works by this section authorised to the provisions of all public and local Acts passed or to be passed affecting the said parish and applicable thereto :
- (I) The works of the Company authorised by this Act shall be so constructed and used as not in any way to interfere with or prejudicially affect any electric lighting wires or apparatus or other property of the vestry :
- (K) The Company shall not sell or supply electricity directly or indirectly to any person for any purpose whatsoever but shall use all electricity made by them solely for the purpose of their own business as a railway company.

For the protection of the Postmaster-General.

**42.**—(1) All works of the Company authorised by this Act for the purpose of transmitting electricity for electric light or any other purpose shall be so constructed maintained and used as to prevent injurious affection to the telegraphic lines from time to time used or intended to be used by the Postmaster-General or the currents therein :

(2) The Company shall seven days before any such works are commenced in under or over any street give notice in writing to the Postmaster-General accompanied by plans and sections of such works and shall conform with such reasonable requirements as may from time to time be made by the Postmaster-General for the purpose of preventing any of his telegraphic lines as aforesaid from being injuriously affected :

(3) The expression “telegraphic line” has the same meaning in this section as in the Telegraph Act 1878 and a telegraphic line shall be deemed to be injuriously affected if telegraphic communication by means thereof is whether through induction or otherwise in any manner affected.

For the protection of the New River Company in respect of electric works.

**43.** Before any such works as are authorised by this Act for the purpose of transmitting electricity or electric light are commenced in or under any street or public place where any of the mains pipes and water apparatus belonging to the New River Company are laid the Company shall give to the New River Company seven clear days previous notice of their intention to commence such works and such notice shall be accompanied by plans and sections of the works to be executed :

The said works shall be so executed and maintained by the Company as not to interfere with or injuriously affect the mains pipes and water apparatus of the New River Company and the Company shall comply with such reasonable requirements as may

from time to time be made by the engineer for the time being of the New River Company for the purpose of preventing any of the mains pipes and water apparatus of the New River Company being injuriously affected by such works.

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44. 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.

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

45. 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.

Qualifications of new stock.

46. 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 and of section 55 of the Midland Railway Act 1894 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 :

Power to borrow.

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.

47. 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

Provisions with respect to appointment of a receiver.

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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.

**48.** 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.

Application of moneys.

**49.** 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.

**50.** 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.

Holding of stocks by bodies corporate.

**51.** Any stocks shares or securities of the Company or in respect of which they are responsible either solely or jointly with any other company may be transferred to and held in the names of an individual and a body corporate or of two or more bodies corporate and any such holding shall in its relation to the Company or to the Company and any such other company be deemed a joint tenancy.

Power to Great Northern Railway Company to apply funds.

**52.** 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.



**53.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

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Saving rights of Crown under Crown Lands Act.

**54.** Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said Duchy.

Saving rights of the Duchy of Lancaster.

**55.** 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 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.

Interest not to be paid on calls paid up.

**56.** 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.

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

**57.** Nothing in this Act contained shall exempt the Company or the Great Northern Railway Company or the Committee or their railways respectively 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 either Company or the Committee.

Provision as to general Railway Acts.

**58.** 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.

Costs of Act.

SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED TO BE  
TAKEN BY THE COMMITTEE.

Objects for which Lands are required.	Parish.	Number on deposited Plans
Cromer and Mundesley Branch Railway No. 2.	Trimingham - -	8
Additional lands at Walpole -	Walpole St. Andrew -	4

SECOND SCHEDULE.

SUPERFLUOUS LANDS.

Railway.	Parish.
Shipleigh New Curve - - - -	Bradford. Calverley.
Bootle Goods Branch Deviation - - -	Walton-on-the-Hill, Bootle-cum-Linacre.
Birmingham West Suburban New Street Extension	Birmingham.
Birmingham West Suburban Railway Widening and Deviation.	Edgbaston. Northfield. Kings Norton.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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