



### CHAPTER xxvi.

An Act to extend the time for the purchase of lands for and for the completion of certain works authorised by the Hull Barnsley and West Riding Junction Railway and Dock (South Yorkshire Extension Lines) Act 1902 to authorise the Hull and Barnsley Railway Company to construct new railways and for other purposes.

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[18th June 1908.]

**W**HEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 the Hull and Barnsley Railway Company (in this Act called "the Company") were incorporated by the name of the Hull Barnsley and West Riding Junction Railway and Dock Company for the purpose (amongst other things) of constructing and maintaining certain railways and a dock and other works in the East and West Ridings of the county of York and in the city and county (then the town and county of the town) of Kingston-upon-Hull:

And whereas divers other Acts have since been passed conferring further powers on the Company:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock (South Yorkshire Extension Lines) Act 1902 (in this Act called "the Act of 1902") the Company were authorised to make and maintain certain railways in the West Riding of the county of York from Thurnscoe to Dinnington and the periods for the compulsory purchase of the lands for and for the completion of the said railways were by the said Act respectively limited to three years and five years from the passing of that Act which received the Royal Assent on the eighth day of August one thousand nine hundred and two:

And whereas by the Hull and Barnsley Railway Act 1905 (in this Act called "the Act of 1905") the periods so limited

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And whereas by the Rotherham Maltby and Laughton Railway Act 1905 (in this Act called "the Rotherham Act of 1905") the Rotherham Maltby and Laughton Railway Company were incorporated for the purpose (amongst other things) of making and maintaining certain railways in the West Riding of the county of York :

And whereas by the Hull and Barnsley and Great Central Railway Companies Act 1906 certain of the powers of the Company in reference to (amongst other works) Railway No. 6 authorised by the Act of 1902 were transferred to and vested in the Company and the Great Central Railway Company jointly and by the same Act provision was made for the transfer in a certain event of certain of the powers of the Company in reference to Railway No. 1 and the portion of Railway No. 2 hereinafter in that behalf mentioned authorised by the Act of 1902 to the Company and the Great Central Railway Company jointly :

And whereas by the Midland Railway Act 1907 the powers of the Company and the Great Central Railway Company in reference to (amongst other works) the said Railway No. 6 were transferred to and vested in the Great Central Hull and Barnsley and Midland Committee thereby constituted :

And whereas it is expedient that the periods now limited for the compulsory purchase of lands for and for the completion of the said Railways Nos. 1 and 6 and portion of Railway No. 2 should be further extended :

And whereas it is expedient that the Company be authorised to construct the railways hereinafter described and to exercise the other powers conferred on them by this Act :

And whereas it is expedient that the time limited by Parliament for the sale of superfluous lands by the Company be extended as by this Act provided :

And whereas it is expedient that the Company should be authorised to establish a pension fund for the payment of pensions and retiring or superannuation allowances to servants of the Company and others earning weekly wages :

And whereas it is expedient that the directors of the Company should be empowered to assist any society constituted from amongst persons in the pay of the Company (whether employed by the Company solely or jointly with any other railway



company) for the purpose of providing allowances to the members of such society during sickness or payments to such members on their retirement from such society or to their families or representatives on their death by subscribing to the funds of such society or guaranteeing interest thereon or in both those ways :

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And whereas plans and sections showing the lines situations and levels of the railways authorised by this Act and the lands and other property in or through which the same will be made or pass and also a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands respectively were duly deposited with the clerk of the peace for the West Riding of the county of York and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes 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 King'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 :—

1. This Act may be cited as the Hull and Barnsley Railway Act 1908. 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 Act) are hereby incorporated with and shall be part of this Act (that is to say):— Incorporation of general enactments.

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ; and

Parts I. and II. of the Railways Clauses Act 1863 relating respectively to construction of a railway and to extension of time.

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 ; and Interpretation.

The expression “the railway” or “the railways” means the railways by this Act authorised.

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Extension  
of time for  
purchase of  
lands for  
and com-  
pletion of  
certain works  
authorised  
by Act of  
1902.

4. The periods respectively limited by the Act of 1902 as amended by the Act of 1905 for the compulsory purchase of lands for and for the completion of the following railways and portion of railway authorised by the Act of 1902 namely:—

- (A) The whole of Railway No. 1;
- (B) So much of Railway No. 2 as will lie between its commencement and the junction therewith of Railway No. 3 authorised by the Rotherham Act of 1905; and
- (C) The whole of Railway No. 6;

are hereby extended as follows:—

The period for the compulsory purchase of lands for a period of three years from the eighth day of August one thousand nine hundred and eight; and

The period for the completion of the said railways and portion of railway for a period of three years from the eighth day of August one thousand nine hundred and ten.

For protec-  
tion of West  
Riding  
County  
Council.

5. For the protection of the county council of the West Riding of Yorkshire (being the local education authority of the said riding and in this section called "the county council") the following provisions shall have effect unless otherwise agreed in writing between the county council and the Company (that is to say):—

(1) Notwithstanding the powers of deviation in the Act of 1902 and the limits thereof shown on the deposited plans referred to in that Act the Company shall not in the construction of Railway No. 1 by that Act authorised take any part of the premises forming the school school yard and outbuildings belonging to the county council at Goldthorpe which under the Act of 1902 the Company are authorised to acquire and which now forms part of the property numbered on the said deposited plans 27 in the parish of Bolton-upon-Dearne and at the point where the railway will pass the aforesaid property of the county council the railway shall not be deviated nearer to such property than thirty feet from the centre line of the railway as shown on the said deposited plans:

(2) The Company shall when they construct the said railway upon part of the site of the yard of the Pitt Street school in the parish of Mexborough being the property numbered 71 on the said deposited plans acquire the



land coloured green on the plan signed in duplicate by John Seymour Moss Blundell on behalf of the Company and by Joseph Vickers Edwards on behalf of the county council and convey the same to the county council in exchange for the land coloured red on the said plan and shall to the reasonable satisfaction of the architect of the county council construct and maintain a retaining wall to prevent any subsidence of or injury to the school yard aforesaid or the school buildings and shall also construct a sufficient boundary wall to separate the said school yard from the Company's property:

(3) The Company shall give to the county council notice of their intention to commence any railway works adjacent to the school yard referred to in the preceding subsection accompanied by plans and sections of the same and showing also any retaining wall as hereinbefore mentioned and the county council shall within twenty-one days after the receipt of such plans and sections notify their objections or requirements in relation thereto Provided that if the county council do not notify such objections or requirements within the time aforesaid they shall be deemed to have approved of such plans and sections:

(4) If any difference shall arise between the Company and the county council as to the sufficiency of any retaining wall as hereinbefore mentioned or as to the reasonableness of any objection or requirement with respect to the plans and sections aforesaid such difference shall be referred to and determined by an engineer to be agreed upon or failing agreement to be appointed by the Board of Trade on the application of either party.

6. For the protection of Frederick James Osbaldeston Montagu and his successors in estate or other the owner or owners for the time being of certain lands in the parish of Mexborough (hereinafter in this section referred to as "the owners") and through or upon which Railway No. 1 is authorised by the Act of 1902 to be constructed and for the protection of the said lands the following provisions shall unless otherwise agreed in writing between the owners and the Company have effect (that is to say):—

For protection of Frederick James Osbaldeston Montagu.

(1) Notwithstanding anything contained in this or any other Act relating to the before-mentioned Railway No. 1 no

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land of the owners lying between Doncaster Road and the River Don in the parish of Mexborough shall (except by agreement) be entered upon taken or acquired for the purpose of the said railway other than the land shown on the plan signed by George White on behalf of the owners and John Seymour Moss Blundell on behalf of the Company and thereon edged round with red :

- (2) In the event of the Company purchasing any of the said lands under their compulsory powers the Company shall not purchase less than the whole of the lands edged round with red on the said plan and if within one year and nine months from the eighth day of August one thousand nine hundred and eight the Company shall not have entered into a binding contract to purchase the whole of such lands within three months from the date of the contract the powers for the compulsory purchase thereof shall cease and determine after the expiration of one year and nine months from the eighth day of August one thousand nine hundred and eight :
- (3) The price to be paid for such lands including compensation for all injurious affection to the adjoining lands of the owners shall be three thousand two hundred and seventy-six pounds.

Power to  
make and  
maintain  
railways.

7. Subject to the provisions of this Act the Company may make and maintain in the lines or situations and within the limits of lateral deviation shown on the deposited plans and according to the levels shown on the deposited sections the railways described in this section with all necessary and convenient stations sidings junctions approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes.

The railways hereinbefore referred to and authorised by this Act will be situate in the West Riding of the county of York and are—

- (1) A railway (No. 1) 4 furlongs and 6·5 chains or thereabouts in length commencing by a junction with the railway of the South Yorkshire Junction Railway



Company and terminating in the field numbered on the Ordnance map (scale  $\frac{1}{2500}$  edition 1892) 157 in the parish or township of Brodsworth (otherwise Brodsworth with Pigburn and Scausby):

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- (2) A railway (No. 2) 1 furlong and 7·35 chains or thereabouts in length commencing by a junction with the railway of the said South Yorkshire Junction Railway Company and terminating by a junction with railway (No. 1) by this Act authorised in the property numbered on the said Ordnance map 151 in the said parish:

The said Railways Nos. 1 and 2 will be wholly situate in the parish or township of Brodsworth with Pigburn and Scausby in the rural district of Doncaster:

- (3) A railway (No. 3) 2 furlongs and 8 chains or thereabouts in length situated wholly in the parish or township and urban district of Wath-upon-Deerne commencing by a junction with the Wath Branch of the Hull and Barnsley Railway and terminating by a junction with the Great Central Railway.

**8.** The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under the said section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Protection of gas and water mains of local authorities.

**9.** With respect to any lands of the South Yorkshire Junction Railway Company which the Company are by this Act authorised to enter upon take and use the Company shall not purchase or take such lands but the Company may if they shall so require purchase and take and the South Yorkshire Junction Railway Company aforesaid may and shall grant accordingly such rights easements or privileges in under or over the said lands or any part thereof as it shall be necessary for the Company to purchase and take for the purposes for which but for this enactment the Company might purchase and take the said lands under the powers of this Act.

For protection of South Yorkshire Junction Railway Company.

**10.** For the protection of the Great Central Railway Company (hereinafter called "the Great Central Company") the following

For protection of Great

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Central Rail-  
way Com-  
pany.

provisions shall unless otherwise agreed between the Company and the Great Central Company apply and have effect:—

- (1) The Company shall not without in every case the previous consent of the Great Central Company under their common seal take use enter upon or interfere with any lands railways sidings or other works from time to time belonging to or worked by that company except only so far as shall be necessary for the purpose of making maintaining and using the said Railway No. 3 as the same is according to this Act to be constructed:
- (2) With respect to any land of the Great Central Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Great Central Company may and shall grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same:
- (3) Subject to the provisions of this section the junction of the said Railway No. 3 with the railway of the Great Central Company shall be effected at such points within the limits of deviation shown on the deposited plans and in such manner and according to such mode of construction as shall be reasonably approved of by the engineer of the Great Central Company or in case of difference as shall be determined by arbitration as hereinafter provided:
- (4) All works necessary for or connected with the said railway and junction situated within the boundary of the Great Central Company's property shall be constructed by that company at such time or times as the Company shall require and under the supervision and to the satisfaction of the engineer of the Company and shall thereafter to the like satisfaction be maintained by the Great Central Company and all reasonable expenses incurred by the Great Central Company in constructing and maintaining such works shall unless otherwise agreed be repaid to that company by the Company on demand:
- (5) In constructing the Railway No. 3 by this Act authorised the Company shall take all possible precautions to



prevent any interference with the free and 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 Central Company : A.D. 1908.

(6) The Company shall bear and on demand pay to the Great Central Company the expense of the employment by that company during the construction of any portion of the Railway No. 3 by this Act authorised 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 their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works of the Company 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 Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise and if by reason of the construction of the said railway and junction it shall become necessary to add to or to alter any signal cabins signal posts signals or other works upon the railway of the Great Central Company the same shall be so added to or altered by the Great Central Company and the reasonable expense thereof shall be repaid to that company by the Company and the additional cost of maintenance and working of any such additional or altered signal cabins signal posts signals or other works as shall have become necessary by reason of the works of the Company shall forthwith on demand be repaid to the Great Central Company by the Company :

(7) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors any railway siding or other work of the Great Central Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Central Company may make good the

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same and recover the expense thereof against the Company and if any interruption shall be occasioned to the traffic of or upon such railway siding or other work of the Great Central Company by reason of any of the matters or causes aforesaid the Company shall pay to the Great Central Company all costs and expenses to which that company may be put as well as full compensation :

- (8) If any difference shall arise between the Company and the Great Central Company or their respective engineers as to the true intent and meaning of this enactment or the mode of giving effect thereto such difference shall be referred to and determined by an engineer to be mutually nominated by such respective engineers or failing agreement to be appointed by the president of the Institution of Civil Engineers on the application of either party.

Period for completion of works.

**11.** If the railways 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 railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls on railways.

**12.** For the purposes of tolls rates and charges and for all other purposes whatsoever the railways shall be deemed to form part of the railways of the Company.

Persons under disability may grant easements &c.

**13.** 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 right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in 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.

Land for extraordinary purposes.

**14.** The Company in addition to any other lands which by this Act they are authorised to acquire may by agreement from time to time purchase additional land for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with their undertaking not exceeding in quantity five acres but nothing in that Act or in this Act shall



exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

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**15.** The powers of the Company 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.

**16.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company 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 Company 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 following provisions shall have effect:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (2) 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 Company 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 Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators' or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine

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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 Company have compulsory powers of purchase) can be so severed :

- (4) 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 Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company 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 :
- (5) 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 absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (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 (and whether or not they shall determine that any other portion can be so severed) the Company 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 :
- (7) 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 Company 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. A.D. 1908.

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.

**17.** If the Company fail within the period limited by this Act to complete the railways 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 respective railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the respective 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 section 3 of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name 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 hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the respective 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. Penalty imposed unless railways opened within time limited.

**18.** 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 Application of penalties.

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other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who 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 has 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 is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has or have 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.

Extending  
period for  
sale of super-  
fluous lands.

**19.** Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 (hereinafter referred to as "the Act of 1845") or in any Act which relates to the Company or to any other company whose undertaking is leased to the Company and which incorporates the Act of 1845 the periods for and within which the Company or any such other company may hold sell or dispose of any lands acquired before the passing of this Act and which either before or after the passing of this Act have or shall become superfluous within the meaning of section 127 of the Act of 1845 are hereby extended to the thirty-first day of August one thousand nine hundred and twenty but this section shall not operate so as to shorten the period for and within which the Company or any such other company as aforesaid were immediately prior to the passing of this Act entitled to hold sell and dispose of any such lands.

Pension  
fund.

**20.**—(1) The directors of the Company may if they think fit establish a fund for the payment of pensions and retiring or superannuation allowances to persons (being persons who at the time of the establishment of such fund are not eligible as contributing members of the Railway Clearing System Superannuation Fund established under the Railway Clearing System Superannuation Fund Association Act 1873) who are or shall be or shall



have been in the service of the Company or of any company or joint committee in which the Company are interested including servants of the fund so established (in this section referred to as "servants of the Company") and may prepare and sanction a scheme for the establishment of such fund and may by such scheme determine—

- (i) The class or classes of servants of the Company who shall be entitled to become and remain contributors to the fund and the conditions upon which they shall be entitled to contribute thereto and participate in the benefits thereof:
- (ii) The amounts of the contributions to the fund and the benefits to be derived therefrom:
- (iii) The manner in which the fund shall be managed and the moneys thereof held or invested:
- (iv) The conditions upon which and the manner in which the provisions of the scheme may be altered:
- (v) Generally all such other matters and things in relation to the fund as the directors shall deem proper to form part of and to be included in such scheme.

(2) In the event of any contributing member of the fund which may be established under this section becoming eligible as a contributing member of the said Railway Clearing System Superannuation Fund he shall thereupon cease to be a contributing member of the fund established under this section and the scheme shall prescribe what proportion of his contribution or what (if any) other benefit any person ceasing under this subsection to be a contributing member of the fund established under this section shall be entitled to receive.

(3) If the scheme so provides the Company may deduct from the wages of any contributor the amount of any contribution due from him to the fund under the scheme.

(4) The Company may pay or guarantee payment of interest on any moneys of the fund and may from time to time contribute to the fund out of the revenue of the Company such sums as they shall think fit or may grant to such servants of the Company as are or have been members of the fund pensions or allowances in addition to those payable to such servants under the scheme.

(5) The Company in any case in which under the scheme a sum not exceeding fifty pounds is payable to the widow or children

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(6) It shall not be compulsory on any present or future servant of the Company to become a member of the fund.

(7)—(A) When a fund shall have been established under this section the persons who under the scheme for the establishment of such fund shall be entitled to become and shall become contributors thereto shall be deemed to be members of and to constitute a friendly society within the meaning of the Friendly Societies Act 1896 and the provisions of that Act so far as they are applicable and are not inconsistent with the provisions of this Act shall apply as if the scheme for the establishment of such fund were the rules of such society and the persons in that behalf named in such scheme were the trustees of such society and the fund were the funds of such society Provided that the powers of sections 70 71 73 78 and 79 of the said Act shall not be exercised without the consent of the Company and no alteration of the scheme or of the financial basis of the fund shall be made without the consent of the Company.

(B) Notwithstanding anything contained in the Friendly Societies Act 1896 the fund or any part thereof may be held by the Company they paying to the said society interest thereon and the trustees of the said society may if so authorised by a rule of the said society registered by the Registrar of Friendly Societies notwithstanding anything contained in section 44 of the said Act invest on deposit with the Company at interest any part of its funds.

(C) The Company shall not exercise the powers conferred upon them by this section in respect of any fund established thereunder until such society has been registered under the Friendly Societies Act 1896.

Subscrip-  
tions to pro-  
vident funds  
&c.

**21.** In case any society now is or shall hereafter be constituted from amongst persons in the pay of the Company exclusively (whether employed by the Company solely or jointly with any other railway company) for the purpose of providing by subscriptions of the members of such society whether with or without the aid of donations or subscriptions from the Company and others for amongst other matters the relief or maintenance of the members of such society during sickness or for the purpose of providing for payments to the members of such society on their retirement



therefrom or for the relief or maintenance of the orphan children of deceased members of such society or for insuring the payment of money on the death of a member or for the funeral expenses of the wife of a member of such society then and in such case the directors of the Company shall have power if they think fit without any further authority than is contained in this section and on such terms and conditions and subject to such restrictions and reservations in every respect as they think expedient to do the following things or either of them:—

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- (A) To contribute to the funds of such society; and
- (B) To pay or guarantee payment of interest on any funds of such society;
- (C) The directors of the Company shall not exercise the powers conferred upon them by this section in respect of any such society until the society shall have been registered by the Registrar of Friendly Societies under the Friendly Societies Act 1896;
- (D) Notwithstanding anything contained in any rule of the Company it shall not be compulsory upon any servant of the Company to become a member of the society.

**22.** Notwithstanding anything in the Companies Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract with the Company Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined or if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

As to qualification of directors.

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Power to  
apply funds.

**23.** The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Recovery of  
demands.

**24.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Provision as  
to general  
Railway  
Acts.

**25.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

**26.** 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.



The SCHEDULE referred to in the foregoing Act. A.D. 1908.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY BE REQUIRED  
TO BE TAKEN BY THE COMPANY.

Railway.	Nos. on Deposited Plans.	Parish or Township.	Description of Property.
No. 1	2	Brodsworth with Pigburn and Seausby.	Railway siding accommodation level crossing and works.
	5		Close of unused land.
	16		Field.
	25		Embankment and railway sidings.
	26		Field.
	27		Field and watercourse.
No. 2	28		Field and watercourse.
	5	Wath upon Dearne	Close of unused land.
15	Road.		
No. 3	3	Wath upon Dearne	Spoil bank and unused land.
	5		Road (to colliery) and siding.
	7		Spoil bank sidings and storage ground.
	8		Spoil banks sidings and unused land.

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