

**CHAPTER xlvii.**

An Act to confer further powers on the Hull and Barnsley Railway Company in respect of their own undertaking and upon that Company and the North Eastern Railway Company and the Great Central Railway Company respectively in respect of joint undertakings and for other purposes. A.D. 1913.

[15th August 1913.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 the Hull and Barnsley Railway Company (hereinafter 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 it is expedient that the Company be authorised to purchase the additional lands hereinafter described for the general purposes of their undertaking:

And whereas by the North Eastern Railway Act 1909 the North Eastern Railway Company were authorised to make and maintain in the east riding of the county of York (amongst other works) a railway therein described as Railway No. 5 in the county borough of Kingston-upon-Hull and the parish of Preston commencing by a junction with their Hull and Withernsea Railway and terminating near the southern boundary of Salt End Pasture and in connection with the said railway a jetty in the River Humber at Salt End:

And whereas by an agreement dated the sixteenth day of July one thousand nine hundred and nine and made between

A.D. 1913. the Company of the first part and the North Eastern Railway Company of the second part and which agreement is set out in the Fourth Schedule to and confirmed by the North Eastern Railway Act 1909 the North Eastern Railway Company granted to the Company an option (to be exercised within the periods and in the manner therein mentioned) to acquire subject to the sanction of Parliament an undivided half share of the southern portion of the said Railway No. 5 and also an undivided half share of the said jetty:

And whereas it is expedient that provision be made as in this Act contained for the transfer to the Company and the North Eastern Railway Company (hereinafter called "the two Companies") jointly of the powers of the North Eastern Railway Company in reference to the southern portion of the said Railway No. 5 and to the said jetty:

And whereas it is expedient to authorise the two Companies to make and maintain the railways hereinafter described forming connections between the said Railway No. 5 and the railways of the two Companies and to authorise the North Eastern Railway Company to abandon the northern portion of the said Railway No. 5:

And whereas it is expedient to authorise the two Companies to divert and stop up the portions of footpaths hereinafter described and to exercise the other powers conferred on them by this Act:

And whereas it is expedient that in respect of certain lands near the said jetty the two Companies shall for the purposes of the Petroleum Acts 1871 to 1881 be deemed to be the harbour authority:

And whereas it is expedient to sanction and confirm the purchase by the Hull Joint Dock Committee of the lands in that behalf hereinafter described:

And whereas by the Hull and Barnsley Railway Act 1909 (hereinafter called "the Act of 1909") the Company were authorised to make and maintain in the west riding of the county of York certain railways including a railway therein described as Railway No. 5 and under and by virtue of the provisions of the Act of 1909 and the Great Central Railway Act 1910 the powers in reference to such railways and to a portion of Railway No. 2 authorised by the Hull Barnsley and West Riding Junction Railway and Dock (South Yorkshire Extension Lines) Act 1902 (hereinafter called "the Act of

1902") have been transferred to and are now vested in the Company and the Great Central Railway Company (hereinafter called "the Joint Companies") jointly:

And whereas it is expedient to authorise the Joint Companies to make and maintain in the said west riding the railway hereinafter described and to authorise the Joint Companies to abandon the construction of Railway No. 5 authorised by the Act of 1909:

And whereas it is expedient that the time now limited for the completion of the portion of the Railway No. 2 authorised by the Act of 1902 the powers in reference to which are vested in the joint committee be extended as by this Act provided:

And whereas it is expedient that the Company and the other companies and the Hull Joint Dock Committee and the joint committee in this Act mentioned be empowered to apply their funds for the purposes of this Act:

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 plans also of the other lands and property to be compulsorily taken under the powers of this Act and also books of reference to the said plans respectively 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 respective clerks of the peace for the east and west ridings of the county of York and for the city and county of Kingston-upon-Hull and are hereinafter respectively referred to as the deposited plans sections and books 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Hull and Barnsley Railway Act 1913. Short title.

A.D. 1913.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Acquisition of additional lands by Hull and
Barnsley Railway Company.Part III.—Transfer of powers and additional powers
to Hull and Barnsley and North Eastern
Railway Companies.Part IV.—Powers to Hull and Barnsley and Great
Central Railway Companies.Part V.—General provisions applicable to the taking
of lands and construction of works.

Part VI.—Miscellaneous.

Incorpora-
tion of
general
enactments.3. 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):—

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.Interpreta-
tion.

4. In this Act—

The several words and expressions to which meanings are
assigned by the Acts wholly or partially incorporated
herewith have the same respective meanings unless there
be something in the subject or context repugnant to
such construction;The expression “the Company” means the Hull and
Barnsley Railway Company;The expression “the North Eastern Company” means the
North Eastern Railway Company;The expression “the Great Central Company” means the
Great Central Railway Company;The expression “the two Companies” means the Company
and the North Eastern Company;The expression “the Joint Companies” means the
Company and the Great Central Company;

The expression "the joint committee" means the Hull and Barnsley and Great Central Railways Joint Committee incorporated by the Hull and Barnsley Railway Act 1909; A.D. 1913.

The expression "the railway" or "the railways" means the railways by this Act authorised;

The expression "the Salt End Works" means and includes the following portion of railway and the jetty authorised by the North Eastern Railway Act 1909 (namely):—

(A) So much of Railway No. 5 as will lie between its junction with the Railway No. 1 by this Act authorised and its termination; and

(B) The jetty at Salt End described in section 14 of the North Eastern Railway Act 1909;

The expression "the Act of 1880" means the Hull Barnsley and West Riding Junction Railway and Dock Act 1880;

The expression "the Act of 1902" means the Hull Barnsley and West Riding Junction Railway and Dock (South Yorkshire Extension Lines) Act 1902;

The expression "the Act of 1909" means the Hull and Barnsley Railway Act 1909.

PART II.

ACQUISITION OF ADDITIONAL LANDS BY HULL AND BARNESLEY RAILWAY COMPANY.

5. The Company may enter upon and take hold appropriate and use for the general purposes of their undertaking the lands following delineated on the deposited plans and described in the deposited books of reference or any part thereof or any estates or interests in any such lands (that is to say):— Power to Company to take additional lands.

In the east riding of the county of York—

Land house stables and premises in the parish of Sculcoates in the city and county of Kingston-upon-Hull known as No. 11 Charlotte Street;

A triangular piece of land in the said parish of Sculcoates situated on the south side of Hedon Road bounded on

A.D. 1913.

the west by property of the mayor aldermen and citizens of the city and county of Kingston-upon-Hull and on the east by the Alexandra Dock Estate of the Company;

Lands partly in the parish of Gilberdike and partly in the parish of Bishopsoil in the rural district of Howden situated on the north of the Sandholme Station of the Company and bounded on the west by Anserdam Lane and on the east by Thornton Dam Lane;

A strip of land in the said parish of Bishopsoil abutting on to the east side of Thornton Dam Lane and extending in an easterly direction for about twenty-four and a half chains parallel with and adjoining the Company's northern boundary fence;

A strip of land in the said parish of Bishopsoil abutting on to the east side of Thornton Dam Lane and extending in an easterly direction for about sixteen chains parallel with and adjoining the Company's southern boundary fence:

In the west riding of the county of York—

In the parish of North Elmsall in the rural district of Hemsworth—

Land bounded on the west by the Company's Wath Branch Railway on the north-east by the South Yorkshire Junction Railway and on the south-east by the boundary between the said parish and the parish of South Elmsall being parts of the enclosures numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 83B 85 86 87 and 94B in the said parish of North Elmsall;

A strip of land bounded on the south-west side by the South Yorkshire Junction Railway and extending along such railway for about nine and a half chains being part of the enclosure numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 87B in the said parish of North Elmsall;

Land abutting on the south side of Wrangbrook Lane bounded on the east by the boundary fence of the Wath Branch Railway and property of the Company and extending for a distance of about seventy-six yards measured in a westerly direction from the

north-west corner of the cottages of the Company in the said Wrangbrook Lane and in a southerly direction for about three hundred yards alongside the railway and property of the Company being part of the enclosure numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 83A in the said parish; A.D. 1913.

Land situated on the north side of Wrangbrook Lane aforesaid extending along such lane for about eight chains from the western boundary fence of the Wath Branch Railway of the Company being part of the enclosure numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 149 in the said parish;

A strip of land situated on the north side of Wrangbrook Lane aforesaid and bounded on the north-west side by the boundary fence of the South Yorkshire Junction Railway being part of the enclosure numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 107 in the said parish.

If any of the lands described in this section shall before the passing of this Act have been purchased by the Company the purchase thereof by the Company and the expenditure of money by the Company in or in reference to the purchase are hereby sanctioned and confirmed and such lands shall be deemed to be lands acquired under the powers of this Act.

PART III.

TRANSFER OF POWERS AND ADDITIONAL POWERS TO HULL AND BARNSELY AND NORTH EASTERN RAILWAY COMPANIES.

6.—(1) On and as from the passing of this Act all the rights and powers (other than the powers for raising money by stock or by borrowing) granted to or conferred upon the North Eastern Company by the North Eastern Railway Act 1909 (including all rights and powers conferred by any Act or Acts incorporated wholly or partially with that Act) for the purposes of or in relation to the Salt End Works shall subject to the provisions of this Act be transferred to and vested in the two Companies jointly.

Transfer to two Companies of North Eastern Railway Company's powers in reference to Salt End Works.

(2) The North Eastern Company shall sell and the two Companies shall purchase the whole or such portion as may be

A.D. 1913. — agreed of the lands known as the Salt End Pasture and all their interest therein and the compensation to be paid by the two Companies to the North Eastern Company in respect of the taking of such lands shall failing agreement be determined by arbitration under and in accordance with the provisions of the Lands Clauses Consolidation Act 1845 After such transfer the two Companies may hold and use such lands for the purposes of or in connection with the Salt End Works or for any other purposes connected with their undertaking at Salt End The power to sell and convey lands in consideration of an annual rentcharge provided by section 10 of the Lands Clauses Consolidation Act 1845 and the power to recover such rentcharge by section 11 of such Act shall extend to the case of the sale and transfer by the North Eastern Company to the two Companies under this section.

Powers of North Eastern Railway Company to be exercised by two Companies.

7. All the rights powers and privileges of the North Eastern Company and their directors officers and servants respectively (other than the powers of raising money by stock or by borrowing) which by virtue of the North Eastern Railway Act 1909 or of any Act or Acts wholly or partially incorporated with that Act might be exercised and enjoyed by the North Eastern Company or their directors officers or servants for the purposes of or in relation to the Salt End Works shall from and after the passing of this Act be exercised and enjoyed by the two Companies and their directors officers and servants respectively under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with the North Eastern Railway Act 1909 and this Act respectively as by the North Eastern Company and their directors officers and servants respectively.

North Eastern Railway Act 1909 to apply to two Companies.

8. The provisions of the North Eastern Railway Act 1909 as amended by this Act (other than those relating to the raising of money by the North Eastern Company by stock or by borrowing but including the provisions incorporated with that Act or this Act or any other Act or Acts) so far as they relate to or confer powers for the purposes of or in relation to the Salt End Works shall from and after the passing of this Act (subject to the provisions of this Act) be read and have effect as if the North Eastern Railway Act 1909 had been passed with respect to the two Companies instead of with respect to the North Eastern Company.

9. Subject to the provisions of this Act the two Companies A.D. 1913.
may make and maintain in the lines or situations and within Power to
the limits of lateral deviation shown on the deposited plans and two Com-
according to the levels shown on the deposited sections the panies to
railways described in this section with all necessary and make and
convenient stations sidings junctions approaches works and maintain
conveniences connected therewith and may enter upon take and railways.
use such of the lands delineated on the deposited plans and
described in the deposited books of reference as may be required
for those purposes.

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

A Railway (No. 1) two miles and two chains or thereabouts
in length commencing in the parish of Sculcoates in the
city and county of Kingston-upon-Hull by a junction
with the Hull and Barnsley Junction No. 1 authorised
by the Hull Joint Dock Act 1899 at its termination and
terminating in the parish of Preston in the rural district
of Sculcoates by a junction with the Railway No. 5
authorised by the North Eastern Railway Act 1909:

A Railway (No. 2) two furlongs and six chains or there-
abouts in length situate wholly in the said parish of
Sculcoates commencing by a junction with the Railway
No. 1 by this Act authorised and terminating by a
junction with the North Eastern Junction No. 2
authorised by the Hull Joint Dock Act 1899 at its
termination.

10. The railways authorised by this Part of this Act shall Rates &c.
for the purposes of tolls rates and charges be deemed to be to be taken
part of the undertaking of the North Eastern Company and the by two Com-
two Companies may demand receive and take in respect thereof panies.
for the conveyance of merchandise thereon (including perishable
merchandise by passenger train) the maximum rates and charges
authorised by the Railway Rates and Charges No. 15 (North
Eastern Railway &c.) Order Confirmation Act 1892 and for the
conveyance thereon of passengers and parcels by passenger train
the rates and charges authorised by the North Eastern Railway
Company's Act 1854 the North Eastern and Stockton and Dar-
lington Railways Amalgamation Act 1863 the North Eastern
Railway Company's (Pelaw and other Branches) Act 1865 and

A.D. 1913^a the North Eastern Railway Company's (New Lines) Act 1874. Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the two Companies shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

New rail-ways and transferred railway or railways of Company or North Eastern Com-pany to be deemed one railway.

11. In the case of traffic conveyed partly on the railways authorised by this Part of this Act and partly on either the portion of Railway No. 5 authorised by the North Eastern Railway Act 1909 the powers in reference to which are by this Part of this Act transferred to the two Companies or the railways of the Company or of the North Eastern Company as the case may be the railways authorised by this Part of this Act and the said portion of Railway No. 5 or the railways of the Company or of the North Eastern Company as the case may be shall for the purpose of calculating the maximum fares rates and charges to be taken by the two Companies in respect thereof be deemed to be one railway.

Crown rights.

12. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the two Companies to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Abandon-ment of authorised works by North Eastern Railway Company.

13. The North Eastern Company shall abandon the construction of so much of Railway No. 5 authorised by the North Eastern Railway Act 1909 as lies between its commencement and the junction therewith of the Railway No. 1 authorised by this Part of this Act and all the powers and obligations conferred or imposed upon the North Eastern Company by the North Eastern Railway Act 1909 or any Act or Acts amending the same with respect to or in connection with the said portion of railway shall cease.

14. The abandonment by the North Eastern Company under the authority of this Part of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the North Eastern Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the North Eastern Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the North Eastern Railway Act 1909.

A.D. 1913.
Compensation for damage to land by entry &c. for purposes of portion of railway abandoned.

15. Where before the passing of this Act any contract has been entered into or notice given by the North Eastern Company for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Part of this Act the North Eastern Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the North Eastern Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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

16. The two Companies may stop up and discontinue for traffic of every description the public footpath in the said parish of Sculcoates leading from the public footpath known as the Humber Bank footpath to the Hedon Road along the western bank of the Old Fleet Drain for a distance of one hundred and seventy yards or thereabouts between a point on such footpath two hundred and seventy yards or thereabouts measured in a southerly direction along the said footpath from its point of junction with Hedon Road and a point on the said footpath immediately north of the Lords Clough at the west end of the Guard Bank which bounds the lands known as Salt End Pasture on the

Power to two Companies to divert and stop up portions of footpaths.

A.D. 1913. north and north-east and in substitution therefor the two Companies may in the manner shown on the deposited plans construct a new footpath in the parish of Sculcoates aforesaid and in the parish of Preston in the rural district of Sculcoates from the first-mentioned point to a point on the said Guard Bank ninety yards or thereabouts measured in an easterly direction from the said Lords Clough:

And the two Companies may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for the purpose of constructing the said new footpath.

The two Companies may also stop up and discontinue for traffic of every description so much of the said public footpath in the said parish of Preston known as the Humber Bank footpath as is situate on the said Salt End Pasture and the banks of the River Humber and of Hedon Haven and which leads in a southerly direction from the said Guard Bank from a point eighty-five yards or thereabouts east of the said Lords Clough at the west end of the said Guard Bank and continues along the west south south-east and east sides of the said Salt End Pasture to the point where the said footpath joins the said Guard Bank at its east end near to Hedon Haven at a point sixteen yards or thereabouts west of the Pollard Clough and also another portion of the said Humber Bank footpath which leads from the Lords Clough aforesaid in a southerly and easterly direction along the bank of the River Humber till it joins such other part of the said footpath as is by this section authorised to be stopped up and discontinued as above mentioned.

The two Companies shall not under the provisions of this section stop up any portion of the footpath firstly described in this section until two justices shall have certified that the new footpath by this section authorised to be constructed has been completed to their satisfaction and is open for public use.

All rights of way over or along the existing portions of footpaths which the two Companies are by this section authorised to stop up shall in the case of the said firstly described footpath as from the date of such certificate and in the case of the portions of the Humber Bank footpath as from the date of the stopping up of the same be extinguished and the two Companies 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

portions of footpath stopped up so far as the same is bounded on both sides by lands of the two Companies or in the case of the Humber Bank footpath is bounded on both sides by such lands or by such lands and the river bank: A.D. 1913.

Provided that the two Companies shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

After the two Companies shall have constructed the new footpath proposed to be substituted for the footpath firstly described in this section they shall maintain the same in a good and proper state of repair and they shall also maintain in a good and proper state of repair the existing piece of footpath on the Guard Bank and across the Old Fleet Drain from the point where it leaves the existing footpath on the bank of the Old Fleet Drain to the southern end of the said new substituted footpath.

17. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions for the protection of the Humber Conservancy Board (in this section referred to as "the conservancy board") shall unless otherwise agreed in writing be binding and obligatory on the two Companies or either of them (that is to say):— For protec-
tion of Hum-
ber Conser-
vancy Board.

(1) Before obstructing in any way the access of the conservancy board over the Salt End Pasture to their lighthouse at Salt End the two Companies will provide and hereafter maintain an equally efficient access thereto by means of the new road which the two Companies are constructing from the point where the Salt End Lane ends at the Guard Bank to the jetty authorised by the North Eastern Railway Act 1909:

(2) The said new road shall be available at all times for the passage of such horses carts or carriages (except carts or carriages propelled by mechanical power) as the conservancy board may require in connection with the Salt End Lights and for the passage in the same connection of the officers and servants of the conservancy board and such other persons as may be authorised by them:

A.D. 1913.

(3) Such access by means of the said new road shall be in substitution for all existing rights of way which the conservancy board have at the passing of this Act over the said Salt End Pasture:

(4) In the event of any question or difference arising between the conservancy board and the two Companies under the provisions of this section such question or difference shall be referred to an engineer or other fit person to be appointed as arbitrator by the conservancy board and the two Companies or failing agreement by the Board of Trade on the application of the conservancy board or of the two Companies.

Two Companies to be harbour authority for purposes of Petroleum Acts in respect of Salt End Pasture.

18.—(1) From and after the passing of this Act the lands hereinafter in this section described shall for the purposes of the Petroleum Acts 1871 to 1881 be deemed to form part of the jetty at Salt End authorised by the North Eastern Railway Act 1909 and the two Companies in respect of and within the limits of such lands shall be deemed to be the harbour authority and be enabled to exercise the powers conferred on harbour authorities by the said Acts and all the powers duties and liabilities of any local authority now having jurisdiction within such limits and their officers and servants in respect of the granting of licences authorising the keeping of petroleum as defined by such Acts and the execution as the local authority of the Acts relating to petroleum within the limits aforesaid shall be by this Act transferred to and may be exercised by the two Companies or their officers and servants as if they were the local authority for such purposes under such Acts.

The lands in this section above referred to are situate in the said parish of Preston and rural district of Sculcoates and are as follows:—

The said land known as Salt End Pasture containing about one hundred and seventy-eight acres and bounded on the north and north-east by the said Guard Bank on the south-east and east by Hedon Haven and on the south and west by the foreshore of the River Humber and including the said Guard Bank and also the saltings situate on the south-east of the said Salt End Pasture.

(2) Licences under the Petroleum Acts shall be valid if sealed by one or other of the two Companies and subject to

the provisions of this subsection the provisions of section 9 of the Petroleum Act 1871 shall apply to any licences granted by the two Companies under the powers of this Act. A.D. 1913.

19. The purchase by the Hull Joint Dock Committee of a piece of land now or lately forming part of the foreshore of the River Humber situate in the said parish of Sculcoates and adjoining the Hull Joint Dock estate on the east is hereby sanctioned and confirmed and the expenditure of money by the Hull Joint Dock Committee in or in connection with the purchase or acquisition of the said land is hereby sanctioned and confirmed and the Hull Joint Dock Committee may hold and use the said land for any of the purposes of their joint undertaking. Provided that the said lands shall be deemed to be lands acquired under the powers of this section. Confirming purchase of lands by Hull Joint Dock Committee.

20. The powers under this Part of this Act or any of them transferred to or conferred on the two Companies may be exercised by the two Companies jointly or by either of the two Companies or by the Hull Joint Dock Committee in such manner as may be agreed between the two Companies who are hereby authorised to enter into agreements for any such purpose. Powers under this Part of Act may be exercised by two Companies jointly or either of them or by Hull Joint Dock Committee.

21. The Company may demand receive and take upon or in respect of so much of the dock lines or sidings of the Company situate on the north side of the Alexandra Dock (constructed under the powers conferred on the Company by the Act of 1880) as form a connection or through route between the Railway No. 5 authorised by that Act and the railway (being the Hull and Barnsley Junction No. 1) authorised by the Hull Joint Dock Act 1899 (which said dock lines or sidings are in this section called "the dock lines") for the conveyance of merchandise thereon (including perishable merchandise by passenger train) the maximum rates and charges authorised by the Railway Rates and Charges No. 8 (Hull Barnsley and West Riding Junction Railway) Order Confirmation Act 1892 and for the conveyance thereon of passengers and parcels by passenger trains the rates and charges authorised by the Act of 1880 and for the purposes of such rates and charges the dock lines shall be deemed to be a railway. Power to levy rates and charges on dock lines.

In respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by

A.D. 1913. passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

The provisions of this section shall apply only in respect of merchandise passengers and parcels conveyed over the dock lines from or to the Railway No. 5 authorised by the Act of 1880 to or from the said Hull and Barnsley Junction No. 1.

Amending
section 57 of
Act of 1902.

22. Section 57 of the Act of 1902 (Declaring what shall be deemed compliance with section 82 of Hull Joint Dock Act 1899 &c.) shall be read and have effect as if the period of twelve years had been substituted for the period of seven years therein mentioned.

PART IV.

POWERS TO HULL AND BARNSELEY AND GREAT CENTRAL RAILWAY COMPANIES.

Powers to
joint com-
panies to
make and
maintain
railway.

23. Subject to the provisions of this Act the Joint Companies 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 railway 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 books of reference as may be required for those purposes.

The railway hereinbefore referred to and authorised by this Part of this Act will be situate in the west riding of the county of York and is—

A railway (No. 4) 4 furlongs and 8·75 chains or thereabouts in length wholly in the parish and urban district of Bentley-with-Arksey commencing by a junction with Railway No. 1 authorised by the Act of 1909 and terminating in the enclosure numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1906) 548 in the said parish.

Tolls &c. on
railway.

24. The railway authorised by this Part of this Act shall for the purposes of tolls rates and charges and for all other purposes whatsoever be deemed to be part of the joint undertaking of the Joint Companies and the provisions of the Act of

1909 as amended by the Great Central Railway Act 1910 with respect to the railways authorised by the Act of 1909 and the joint undertaking of the Joint Companies shall so far as applicable extend and apply to the construction maintenance and use of the said railway. A.D. 1913.

25. The provisions of section 50 of the Act of 1909 shall extend and apply to Railway No. 4 by this Act authorised. For protection of Midland Railway Company.

26. All running and other powers rights and facilities granted and secured to the North Eastern Railway Company or to any other Company or person lawfully working or using their railways by section 52 of the Act of 1909 in respect of Railway No. 5 by that Act authorised shall extend and apply to Railway No. 4 by this Act authorised. Extending powers of North Eastern Railway Company under section 52 of Act of 1909 to Railway No. 4.

27. The provisions of section 48 (Running powers to Lancashire and Yorkshire Railway Company) and section 53 (Certain railways to be constructed simultaneously) of the Act of 1909 shall apply and have effect to and in respect of Railway No. 4 by this Act authorised as if that railway had been mentioned in the said sections in addition to the several railways and portions of railways therein mentioned and it shall be lawful for the Lancashire and Yorkshire Railway Company and any company or person lawfully working or using their railways to run over and use the said Railway No. 4 by this Act authorised in accordance with and subject to the provisions of the said section 48. Running powers to Lancashire and Yorkshire Railway Company over Railway No. 4.

28. In constructing the Railway No. 4 by this Act authorised the following provisions for the protection of the Dun Drainage Commissioners (in this section called "the commissioners") shall unless otherwise agreed in writing between the commissioners and the Joint Companies have effect (that is to say):— For protection of Dun Drainage Commissioners.

(1) The Joint Companies shall provide and maintain the culvert and pipes respectively specified in the following table at or near the points on the deposited plans therein mentioned:—

Position.	Name of Drain.	Sectional Area in Square Feet.	Description of Works.
Fur. chs.	RAILWAY NO. 4.		
2 6	Tilts Hill Clough Drain.	—	Pipes 18 inches in diameter.
3 0	Norwood and Sandall Nooking Drain.	7	Culvert with one or more openings.

A.D. 1913.

(2) The Joint Companies shall remove any débris or obstruction which may be deposited by the action of water in the said culvert and pipes:

(3) Nothing in this Act contained shall except as otherwise expressly provided by this Act extend or be construed to extend so as to prejudice or affect or to repeal or alter any of the powers authorities rights or privileges granted to the commissioners in or by any Acts of Parliament passed relating to the Dun Drainage District.

Abandonment of authorised railway by Joint Companies:

29. The Joint Companies shall abandon the construction of Railway No. 5 authorised by the Act of 1909 and all the powers and obligations conferred or imposed upon the Joint Companies and on the joint committee by the Act of 1909 or any Act or Acts amending the same with respect to or in connection with the said railway shall cease.

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

30. The abandonment by the Joint Companies under the authority of this Part of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Joint Companies on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Joint Companies to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1909.

Compensation to be made in respect of railway abandoned.

31. Where before the passing of this Act any contract has been entered into or notice given by the Joint Companies for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Part of this Act the Joint Companies shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Joint Companies to the owners and occupiers or other persons interested in such land for all injury or damage sustained

by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1913.

32. The period limited by the Act of 1902 as amended by the Hull and Barnsley Railway Act 1905 and the Hull and Barnsley Railway Act 1908 for the completion of so much of Railway No. 2 authorised by the Act of 1902 as will lie between the junctions therewith of Railway No. 3 authorised by the Act of 1909 and Railway No. 3 authorised by the Rotherham Maltby and Laughton Railway Act 1905 is hereby further extended for a period of three years from the eighth day of August one thousand nine hundred and thirteen.

Extension of time for completion of portion of railway authorised by Act of 1902.

PART V.

GENERAL PROVISIONS APPLICABLE TO THE TAKING OF LANDS AND CONSTRUCTION OF WORKS.

33. This Part of this Act shall so far as applicable apply in the taking of lands and execution of works under the powers of this Act to the several companies upon whom powers for those purposes are conferred by this Act and in this Part of this Act the expression "the authorised Company" wherever used means—

Application of this Part of Act and further interpretation.

In relation to the Part of this Act entitled "Acquisition of additional lands by Hull and Barnsley Railway Company" the Company;

In relation to the Part of this Act entitled "Transfer of powers and additional powers to Hull and Barnsley and North Eastern Railway Companies" the two Companies; and

In relation to the Part of this Act entitled "Powers to Hull and Barnsley and Great Central Railway Companies" the Joint Companies.

34. The quantity of land to be taken by the authorised Company under the powers of this Act by agreement for any of the extraordinary purposes specified in the Railways Clauses Consolidation Act 1845 connected with their undertaking shall

Land for extraordinary purposes.

A.D. 1913. not exceed five acres but nothing in that Act or in this Act shall exempt the authorised 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 so taken.

Period for compulsory purchase of lands.

35. The powers of the authorised 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.

Persons under disability may 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 authorised 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 over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to authorised Company to enter upon property for survey and valuation.

37. The authorised Company and their surveyors officers contractors and workmen may from time to time at all reasonable times in the day upon giving in writing 'for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings by this Act authorised to be taken and used as aforesaid or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Costs of arbitration in certain cases.

38. The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the authorised Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the authorised Company by the claimant giving sufficient particulars and in sufficient time to enable the authorised Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered

and that the authorised Company has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the authorised Company to amend the statement in writing of the claim delivered by him to the authorised Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the authorised Company if they object to the amendment and such amendment shall be subject to such terms enabling the authorised Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

A.D. 1913.

39. In settling any question of disputed purchase money or compensation payable under this Act by the authorised Company the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirty-first day of October one thousand nine hundred and twelve if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Compensation in case of recently altered buildings acquired by authorised Company.

40. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the authorised Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

41. 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

Protection of gas and water mains of local authorities.

A.D. 1913. 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.

Limits of deviation.

42. In constructing the railways the authorised 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 may deviate vertically from the levels of the railways as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards.

Period for completion of works.

43. 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 authorised Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Penalty imposed unless railways opened within time limited.

44. If the authorised Company fail within the period limited by this Act to complete the railways the authorised 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 authorised 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. A.D. 1913.

45. 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 land-owners or 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 authorised 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 authorised 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 authorised Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the authorised Company. Application of penalty.

PART VI.

MISCELLANEOUS.

46. The Company the North Eastern Company the Great Central Company the Hull Joint Dock Committee and the Joint Committee may respectively apply for any of the purposes of this Act relating to them respectively (whether severally or collectively) to which capital is properly applicable any moneys which by any previous Act or Acts they are respectively Power to apply funds.

A.D. 1913. authorised to raise 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.

Power to Company and other companies and joint committees to lease or dispose of lands.

47. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated the Company shall not be required to sell or dispose of any lands which have from time to time been purchased or acquired by the Company adjoining or near to railways docks or stations belonging or leased to or worked or managed by the Company or any lands acquired by the Company under the provisions of this Act and which lands are not immediately or may not hereafter be required for the purposes of the undertaking of the Company but the Company may retain hold or use or may for such term or terms and on such conditions as they may deem expedient lease or otherwise dispose of such lands.

The provisions of this section shall also extend and apply to the Company and any other company in respect of lands acquired or held by them jointly and to any joint committee incorporated or constituted by Act of Parliament on which the Company may be represented as if those companies jointly and any such joint committee respectively had been referred to in this section in addition to the Company.

Recovery of demands.

48. 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.

49. Nothing in this Act contained shall exempt any of the companies or joint committees upon whom powers are conferred by this Act or their respective railways 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 said companies or joint committees respectively. A.D. 1913. —

50. 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.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

FREDERICK ATTERBURY, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., 29, BREAMS BUILDINGS, FETTER LANE, E.C., and
54, ST. MARY STREET, CARDIFF; or
H.M. STATIONERY OFFICE (SCOTTISH BRANCH), 23, FORTH STREET, EDINBURGH; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN;
or from the Agencies in the British Colonies and Dependencies,
the United States of America, the Continent of Europe and Abroad of
T. FISHER UNWIN, LONDON, W.C.

