CHAPTER ccxxiii.

An Act to revive and extend the powers of the Cleveland Extension Mineral Railway Company. A.D. 1893.

[12th September 1893.]

WHEREAS by the Cleveland Extension Mineral Railway Act 1873 (herein-after referred to as "the Act of 1873") the Cleveland Extension Mineral Railway Company (herein-after referred to as "the Company") were incorporated and authorised to make certain railways (called respectively Railway No. 1 and Railway No. 2) in the north riding of the county of York:

And whereas by the Cleveland Mineral Railway Acts 1878 and 1881 the powers of the Company for the compulsory purchase of lands were revived and extended and the time limited by the Act of 1873 for the completion of the said railways was extended:

And whereas by the Cleveland Mineral Railway Act 1884 (herein-after referred to as "the Act of 1884") the powers of the Company for the compulsory purchase of lands were revived and further extended and the time for completing the said railways was further extended and the Company were authorised to make a deviation of their authorised Railway No. 1:

And whereas by the Cleveland Extension Mineral Railway Act 1887 and the Cleveland Extension Mineral Railway Act 1890 (herein-after referred to as "the Act of 1890") the powers of the Company for the compulsory purchase of land for the said railways were further revived and extended until the seventh day of July one thousand eight hundred and ninety-one and the times limited by the Acts of 1873 and 1884 as extended by the subsequent Acts for the completion of the said railways were further extended until the seventh day of July one thousand eight hundred and ninety-three:

And whereas the Company have raised capital purchased land and constructed works and it is expedient that the powers of the

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Company for the compulsory purchase of lands should be revived and the time limited for the completion of the said railways and works should be further extended:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Shor title.

1. This Act may be cited as the Cleveland Extension Mineral Railway Act 1893.

Incorporation of Act.

2. Part II. of the Railways Clauses Act 1863 (relating to extension of time) is incorporated with and forms part of this Act.

Revival and extension of powers for compulsory purchase of lands under the Acts of 1873 and 1884.

3. The powers granted to the Company by the Acts of 1873 and 1884 respectively as revived and extended by the Act of 1890 for the compulsory purchase of lands for the purposes of the railways authorised by the Act of 1873 as altered by the Act of 1884 and by the Act of 1884 respectively are hereby further revived and extended and may be exercised by the Company until the seventh day of July one thousand eight hundred and ninety-five.

Extension of time for completion of railways.

4. The time limited by the Acts of 1873 and 1884 as extended by the Act of 1890 for the completion of the said railways is hereby extended and enlarged until the seventh day of July one thousand eight hundred and ninety-six and on the expiration of that period the powers granted to the Company for making the railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed and section 34 of the Act of 1873 shall be read and have effect accordingly.

Restriction on taking houses of labouring class.

5. The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the

fifteenth day of December last but have been subsequently so occupied. A.D. 1893.

Defining "labouring class."

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

Repeal of section 35 of Act of 1873.

6. Section thirty-five of the Act of 1873 is hereby repealed.

Providing for release of deposit fund.

7. If the Company do not previously to the expiration of the extended period by this Act limited for the completion of the said railways complete and open the same for public traffic then and in every such case the deposit fund mentioned in section thirty-five of the Act of 1873 or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railways 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 the recited Acts or any of them 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 deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors or other the persons or person entitled thereto or as they or he respectively may appoint Provided that until the deposit fund has been repaid or re-transferred to the persons or person aforesaid or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to

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time and as often as the same shall become payable be paid to or on the application of the persons or person aforesaid.

Maximum rates and charges for merchandize traffic.

8. The classification of merchandize traffic and the maximum rates and charges applicable thereto and the regulations and provisions specified in the Order confirmed by the Railway Rates and Charges No. 15 (North Eastern Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the Company as if the Company were named in such Order and shall be substituted for the classification maximum rates and charges regulations and provisions contained in the existing Acts of the Company with respect to merchandize traffic.

Saving for Postmaster-General.

9.—(1) Nothing in any agreement made under the authority of the Act of 1873 shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 and the Cleveland Extension Mineral Railway Act 1887 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the North Eastern Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

(2.) Nothing in this Act or in the Act of 1873 relating to the making of agreements for the working of the railways or undertaking of the Company or any part thereof by the North Eastern Railway Company shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the North Eastern Railway Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working agreements not been authorised.

Provision as to general Railway Acts.

10. Nothing in this Act contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum

rates of fares and charges or of the rates for small parcels authorised to be taken by the Company. A.D. 1893.

Expenses of Act.

11. 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.

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