CHAPTER clii.

An Act to confer further powers upon the Hull Barnsley and West Riding Junction Railway and Dock Company and to authorise the transfer of the undertaking of the Hull and South Yorkshire Extension Railway Company to the Company and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 (in this Act called "the Act of 1882") the Hull Barnsley and West Riding Junction Railway and Dock Company (in this Act called "the Company") were authorised to construct (amongst other works) certain works therein called and herein-after referred to as "the new docks and works at Hull" and by that Act which received the Royal Assent on the eighteenth day of August one thousand eight hundred and eighty-two the period for the completion of those works was limited to eight years from the passing of that Act:

And whereas the said period has by various Acts of the Company since passed been from time to time extended:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1894 (in this Act called "the Act of 1894") the said period was further extended for a period of four years from the eighteenth day of August one thousand eight hundred and ninety-four:

And whereas it is expedient that the said period should be further extended and that the powers of the Company for the compulsory purchase of lands for the purposes of the said works authorised by the Act of 1882 other than the new dock and the river wall or embankment (the lands required for which have been already acquired by the Company) should be revived and extended:

And whereas it is expedient that the time limited for the sale of superfluous lands belonging to the Company be extended:

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And whereas by the Hull and South Yorkshire Extension Railway Act 1897 (in this Act called "the Act of 1897") the Hull and South Yorkshire Extension Railway Company (in this Act called "the South Yorkshire Company") were incorporated and authorised to construct certain railways in the West Riding of the county of York connected with the railways of the Company and provision was made for the working use management and maintenance of such railways by the Company:

And whereas the capital of the South Yorkshire Company was declared to be two hundred thousand pounds in twenty thousand shares of ten pounds each and that company were empowered to borrow sixty-six thousand six hundred and sixty-six pounds but such company have not raised any part of their authorised capital or exercised any of the powers conferred upon them by the Act of 1897:

And whereas it is expedient that the undertaking and powers of the South Yorkshire Company be transferred to and conferred upon the Company:

And whereas it is expedient that the Company be empowered to apply their funds for the purposes of this Act:

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 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:—

Short title.

1. This Act may be cited as the Hull Barnsley and West Riding Junction Railway and Dock Act 1898.

Incorporation of general Acts.

2. Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873 are (as far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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 The expression "the South Yorkshire undertaking" means and includes the undertaking of the South Yorkshire Company authorised by the Act of 1897 and all powers rights privileges and authorities

conferred by that Act or any Act or Acts incorporated wholly or partially with that Act and all the interests agreements and benefits and liabilities of or under agreements held or acquired or incurred in connexion with or for the purposes of the railways authorised by that Act by the South Yorkshire Company or relating to those railways or to any lands acquired for the purposes thereof and of or to which the South Yorkshire Company are seised entitled or liable.

Recovery of demands under fifty pounds.

4. Proceedings for the recovery of any demand not exceeding fifty pounds 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 the county court.

Transfer of undertaking of South Yorkshire Company to Company.

5. On and as from the passing of this Act the undertaking of the South Yorkshire Company shall be by virtue of this Act transferred to and vested in the Company and all the rights powers privileges and authorities of the South Yorkshire Company and their directors officers and servants respectively which by virtue of the Act of 1897 or any Act or Acts incorporated wholly or partially therewith might be exercised and enjoyed by them respectively with respect to the undertaking of the South Yorkshire Company may be exercised and enjoyed by the Company and their directors officers and servants respectively under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with such Act or Acts respectively as by the South Yorkshire Company and their directors officers and servants respectively and the unrepealed provisions of the Act of 1897 except those relating to the constitution of the South Yorkshire Company but including those relating to the share capital and to the power of borrowing on mortgage of that company and including the provisions of section 50 (Power to pay interest out of capital during construction) of the Act of 1897 and the provisions of any Act or Acts incorporated therewith shall subject to the provisions of this Act be read and have effect as if the Act of 1897 had been passed with reference to the Company instead of with reference to the South Yorkshire Company.

Repeal of sections 25 26 and 27 of Act of 1897.

6. Sections 25 26 and 27 of the Act of 1897 are hereby repealed.

Dissolution of South Yorkshire Company

7. On and as from the passing of this Act the South Yorkshire Company shall be by this Act dissolved.

Penalty imposed unless railways

8. If the Company fail within the period limited by the Act of 1897 to complete the railways by that Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the

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opened within the time limited.

expiration of the period so limited until the said railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the said railways 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 herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said railways by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

9. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways authorised by the Act of 1897 or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred by that Act as amended 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 said railways or any part thereof 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.

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Release of South Yorkshire Company's deposit.

10. In consideration of the liability of the Company to the penalties by this Act provided sections 39 and 40 of the Act of 1897 (relative to the deposit) are hereby repealed and the High Court shall at any time after the passing of this Act but without requiring the production of a certificate of the passing of the Act of 1897 order (according to the provisions of the Act of the session of the ninth and tenth years of Her Majesty's reign chapter 20) the payment or transfer to the depositors mentioned in the said sections of the sum of six thousand eight hundred and five pounds two and three-quarters per cent. consolidated stock now in court in respect of the railways authorised by the Act of 1897 and any interest or dividend payable thereon and such sum of money and interest or dividend shall not be deemed to be transferred to the Company by this Act.

Further extending period for completion of docks and works at Hull authorised by Act of 1882 and reviving powers for purchase of lands for certain of those works.

11. The powers of the Company for the completion of the new docks and works at Hull being works (A) (B) (C) (D) and (E) authorised by and described in Part III. of section 4 of the Act of 1882 are hereby further extended and may be exercised at any time within but shall not be exercised after the expiration of four years from the eighteenth day of August one thousand eight hundred and ninety-eight and the powers of the Company for the compulsory purchase of lands for the purposes of the new docks and works at Hull other than the new dock and the river wall or embankment are hereby revived and may be exercised at any time within but shall not be exercised after the expiration of two years from the passing of this Act.

Restriction on taking houses of labouring class.

12. The Company shall not under the powers of the Act of 1882 for the compulsory purchase of lands which are by this Act revived purchase or acquire in any parish ten or more houses which on the fifteenth day of December one thousand eight hundred and eighty-one were occupied either wholly or partially 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 in any parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and other 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

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a week and the families of any of such persons who may be residing with them.

For protection of Corporation of Hull.

13. Nothing in this Act contained shall authorise the Company to acquire compulsorily any portion of the land reserved by the mayor aldermen and citizens of the city and county of Kingston-upon-Hull for the purpose of a site for their sewage pumping station for the east district of the said city and county.

Extending period for sale of superfluous lands.

14. Notwithstanding anything to the contrary in the Lands Clauses Acts or in any Act relating to the Company with which those Acts are incorporated the periods now limited by the Act of 1894 within which the Company may hold sell and dispose of any superfluous lands connected with their undertaking are hereby extended for the periods following (that is to say) As regards such of the lands as have been acquired by the Company for the purposes of the new docks and works at Hull or are situate near to or adjoining any railway or station of the Company for the period of ten years and as regards any other of the said lands for the period of five years from the passing of this Act but nothing in this section shall be construed to shorten the period now allowed in that behalf by any other Act or any deed agreement or other instrument in respect of the sale of all or any part of such lands.

Power to apply funds.

15. The Company may apply for any of the purposes of this Act and of the Act of 1897 to which capital is properly applicable any moneys which by any previous Act they are authorised to raise by shares stock debenture stock or borrowing and which are not by that Act made applicable to any special purposes or which being so made applicable are not required for such special purposes and may apply to the general purposes of their undertaking any moneys which they are authorised to raise by virtue of the Act of 1897 and which may not be required for the purposes of that Act.

As to rates &c.

16. The Railway Rates and Charges No. 8 (Hull Barnsley and West Riding Junction Railway) Order Confirmation Act 1892 shall be applicable and apply to the railways authorised by the Act of 1897 as if those railways had at the date of the passing of that Act formed part of the undertaking of the Company.

Provision as to general Railway Acts.

17. Nothing in this Act contained shall exempt the Company or any other railway company or their undertaking 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 by any Act relating to the Company or to such other railway company. A.D. 1898.

Costs of Act.

18. All the costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act and the Act of 1897 or otherwise in relation thereto shall be paid by the Company.

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