



CHAPTER ccliii.

An Act for enabling the North Eastern the Lancashire and Yorkshire the Great Northern the Midland and the Great Central Railway Companies to construct or take over certain railways in South Yorkshire authorised by the Shireoaks Laughton and Maltby Railway Act 1901 and the North Eastern Railway Act 1902 and to construct other railways and works for constituting a joint committee and for other purposes.

A.D. 1903.

[14th August 1903.]

WHEREAS by the Shireoaks Laughton and Maltby Railway Act 1901 (in this Act referred to as "the Shireoaks Act") the Shireoaks Laughton and Maltby Railway Company (in this Act called "the Shireoaks Company") were incorporated and were empowered to construct the railways in that Act described :

And whereas by the Great Central and Midland Railway Companies (Railways in South Yorkshire) Act 1902 (in this Act referred to as "the Central and Midland Act") the rights and powers of the Shireoaks Company under the Shireoaks Act were transferred to and vested in the Great Central Railway Company and the Midland Railway Company (in that Act and hereinafter referred to as "the two companies") and by the same Act the two companies were authorised to make and maintain a deviation of the said railways (which said railways as deviated are hereinafter referred to as "the Shireoaks Railway") and a new railway in the west riding of the county of York being a continuation of the Railway No. 13 authorised by the North Eastern Act hereinafter mentioned :

And whereas by the North Eastern Railway Act 1902 (in this Act referred to as "the North Eastern Act") the North Eastern

A.D. 1903. Railway Company and the Lancashire and Yorkshire Railway Company (in that Act and hereinafter referred to as "the joint companies") were authorised to make and maintain certain railways in the west riding of the county of York therein distinguished as Railways No. 5 No. 7 No. 8 and No. 13 :

And whereas the said four railways authorised by the North Eastern Act and the said new railway authorised by the Central and Midland Act were part of a joint scheme which had been agreed upon between the North Eastern the Lancashire and Yorkshire the Great Northern the Midland and the Great Central Railway Companies (hereinafter in this Act collectively referred to as "the Five Companies") and it has since been agreed between the Five Companies that in lieu of the said new railway authorised by the Central and Midland Act the railway by this Act authorised and herein described as Railway No. 2 shall be made :

And whereas it has been further agreed between the Five Companies that the said four railways authorised by the North Eastern Act and the said Railway No. 2 and the other railways and works by this Act authorised and also the portion of the Shireoaks Railway hereinafter mentioned shall form a joint undertaking to be made at the joint expense of the Five Companies and maintained and used by them as hereinafter provided and it is expedient that the Five Companies should be authorised to make maintain and use the same accordingly and to apply their funds to the purposes of this Act :

And whereas it is also expedient that a joint committee representing the Five Companies should be constituted for the purpose of constructing the said railways and directing and managing the said joint undertaking as hereinafter provided :

And whereas plans and sections showing the lines and levels of the works by this Act authorised and plans of the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the west riding of the county of York which plans and sections and book of reference are in this Act 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

[3 EDW. 7.] *South Yorkshire Joint Railway Act, 1903.* [Ch. ccliii.]

and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

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1. This Act may be cited for all purposes as the South Yorkshire Joint Railway Act 1903.

Short title.

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

Incorporation of general Acts

The Lands Clauses Acts :

The Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 :

The following sections of the Companies Clauses Consolidation Act 1845 that is to say sections 97 to 100 and sections 109 to 114 and for the purposes of this Act the expression "the Company" where used in those sections shall include the joint committee by this Act incorporated and the expression "the directors" shall mean the members of such committee.

3. In this Act (unless there be something in the subject or context repugnant to such construction) the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings :

Interpretation.

The expression "the joint undertaking" means and includes all property which shall be acquired by or vested in and all railways and works which shall be executed by the Five Companies or the said joint committee under or in pursuance of this Act or any of the Acts hereinbefore mentioned and all rights and powers vested or which shall become vested in the Five Companies or the said joint committee in relation to such property railways and works ;

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

The expression "the joint railways" means the railways belonging to or forming part of the joint undertaking ;

The expression "local traffic" means traffic arising and terminating upon the joint railways ;

The expression "through traffic" means traffic carried or intended to be carried over the joint railways or some part thereof other than local traffic as above defined.

4. As from the passing of this Act all the rights and powers conferred on or vested in the joint companies under or by virtue of the North Eastern Act in relation to the railways thereby

Transfer of powers to Five Companies.

A.D. 1903. — authorised and therein distinguished as Railways No. 5 No. 7 No. 8 and No. 13 and the benefit of all contracts entered into by or on behalf of the joint companies in relation to the said railways are hereby transferred to and vested in the Five Companies and all the provisions of the North Eastern Act relating to the said railways save in so far as the same are by this Act varied or repealed shall apply to the same as constructed or to be constructed by and vested in the Five Companies and all the rights and powers conferred on or vested in the two companies under or by virtue of the Central and Midland Act in relation to so much of the Shireoaks Railway as lies to the north of the point in the parish of North and South Ansten where it crosses the public road from North Ansten to Brampton-en-le-Morthen numbered 94 in the said parish on the deposited plans referred to in the Shireoaks Act and the benefit of all contracts entered into by or on behalf of the two companies or the Shireoaks Company in relation to such part of the Shireoaks Railway are hereby transferred to and vested in the Five Companies and all the provisions of the Shireoaks Act and the Central and Midland Act relating to such part of the Shireoaks Railway save in so far as the same are hereby varied or repealed shall apply to the same as constructed or to be constructed by or vested in the Five Companies :

Provided always that none of the powers of raising money contained in any of the said Acts in this section mentioned shall be transferred to or vested in the Five Companies Provided further that the Five Companies shall in respect of the railways the powers in relation to which are transferred to and vested in them be subject to the obligations and liabilities in relation thereto of the joint companies and the two companies respectively.

Transfer of lands &c. to Five Companies.

5. Any lands acquired or works constructed before the passing of this Act by any of the Five Companies for the purposes of any of the railways the powers in relation to which are hereby transferred to the Five Companies shall as from the passing of this Act be vested in the Five Companies as part of the joint undertaking and the Five Companies shall repay any moneys properly expended in the acquisition of such lands or the construction of such works to the company or companies by whom the same shall have been expended.

Power to Five Companies to make new railways.

6. Subject to the provisions of this Act the Five Companies may make and maintain in the lines and according to the levels shown on the deposited plans and sections the new railways and other works hereinafter described with all proper stations sidings

approaches roads works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited book of reference as may be required for those purposes.

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The railways and works hereinbefore referred to and authorised by this Act are—

A Railway (No. 1) 5 furlongs and 5·85 chains in length wholly in the west riding of Yorkshire commencing in the parish of Cantley by a junction with Railway No. 8 authorised by the North Eastern Act as intended to be constructed and terminating in the parish and urban district of Balby-with-Hexthorpe by a junction with the railway of the Great Northern Railway Company:

A Railway (No. 2) 7 furlongs 3·85 chains in length wholly situate in the parish of Kirk Sandall in the said west riding commencing by a junction with Railway No. 13 authorised by the North Eastern Act at its termination and terminating by a junction with the Doncaster to Barnetby Branch of the Great Central Railway Company.

7. The Five Companies may divert in the manuer shown upon the deposited plans and sections the public highway numbered on the said plans 13 in the parish of Kirk Sandall and when and so soon as the new portion of road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and which lies between the points marked "B" and "C" upon the said plans and when and so soon as such portion of the said road is so stopped up all rights of way over the same shall cease and the Five 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 portion of road stopped up as far as the same is bounded on both sides by lands of the Five Companies and the new portion of road shall from the date of such stopping up be maintained by the persons hitherto liable to maintain the portion of road stopped up.

Power to divert road as shown on deposited plans.

8. For the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") the following provisions shall unless with the consent of the Great Northern Company under their common seal apply and have effect:—

For protection of Great Northern Railway Company.

(1) So much of Railway No. 1 as shall be constructed on land belonging to the Great Northern Company shall be deemed

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to be a junction within the meaning of the Railways Clauses Act 1863 (Part I.) and shall be constructed and maintained in accordance with plans and sections to be previously agreed between the respective engineers of the Great Northern Company and the Five Companies or in case of difference settled by arbitration as hereinafter provided :

(2) So much of Railway No. 1 as aforesaid shall if the Great Northern Company so require be constructed and maintained by the Great Northern Company for and at the cost of the Five Companies :

(3) Any difference arising between the engineers of the Great Northern Company and the Five Companies under this section shall be settled by an engineer to be appointed failing agreement by the Board of Trade.

For protec-
tion of Great
Central Rail-
way Com-
pany.

9. For the protection of the Great Central Railway Company (in this section called "the Great Central Company") the following provisions shall unless otherwise agreed between the Great Central Company and the Five Companies have effect (that is to say) :—

(1) So much of the junction of Railway No. 2 with the railway of the Great Central Company and the signalling works in connection therewith as is inside the boundary of the Great Central Company's property shall be constructed and maintained by the Great Central Company for and at the expense of the Five Companies :

(2) If at any time hereafter it is agreed between the Great Central Company and the Five Companies or in case of dispute settled by arbitration that it is necessary in the interests of the reasonably proper and convenient conduct of the traffic on the Great Central Railway to construct a fly-over junction in lieu of the said junction as authorised by this Act such fly-over junction shall be constructed and maintained by the Great Central Company for and at the expense of the Five Companies such expense to include the cost of any land required for such fly-over junction :

(3) If any dispute shall arise between the Great Central Company and the Five Companies respecting the matters and provisions aforesaid or any of them such dispute shall be determined by an arbitrator to be appointed in case of difference by the Board of Trade.

Period for
completion of
railways.

10. If the new 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 Five Companies for making

[3 EDW. 7.] *South Yorkshire Joint Railway Act, 1903.* [Ch. ccliii.]

and completing the new railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1903.

11. If the Five Companies fail within the period limited by this Act to complete the new railways or any of them they shall respectively be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty has been incurred is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway in respect of which such penalty has been incurred. Imposing penalty if railways not opened within period limited.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the *Railway and Canal Traffic Act 1854.*

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the said Act to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the Bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Five Companies were prevented from completing or opening the railway in respect of which the penalty has been incurred 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.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Five Companies by this Act of taking property for the purposes of such railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as Providing for application of penalty.

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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 Five Companies are insolvent or the railway in respect of which the penalty has been incurred or any part thereof 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 Five Companies for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Five Companies.

Abandonment of authorised railway.

13. The two companies shall abandon the construction of the railway in the parish of Kirk Sandall authorised by the Central and Midland Act.

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

14. The abandonment by the two companies under the authority of this Act of the said railway 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 two 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 two 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 Central and Midland Act.

Compensation to be made in respect of railway abandoned.

15. Where before the passing of this Act any contract has been entered into or notice given by the two companies for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act the two 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 two 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

[3 EDW. 7.] *South Yorkshire Joint Railway Act, 1903.* [Ch. ccliii.]

provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof. A.D. 1903

16. The powers by this Act conferred upon the Five Companies for the compulsory purchase of lands and buildings shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

17. 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 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 over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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 owners to grant easements &c.

18.—(1) The Five Companies shall not under the powers of this Act purchase or acquire in any borough or other urban district or elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Five Companies— Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the said fifteenth day of December or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

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(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Five Companies acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Five Companies may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Five Companies for the purposes of any scheme under this section in the same manner in all respects as if the Five Companies were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Five Companies may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this

section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking : A.D. 1903.

Provided that all lands on which any buildings have been erected or provided by the Five Companies in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Five Companies for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Five Companies shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses purchased or acquired by the Five Companies for or in connection with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Five Companies shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to

A.D. 1903. — the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Constitution
of joint com-
mittee.

19. For the purpose of exercising the powers by this Act conferred upon the Five Companies a joint committee representing the Five Companies shall be constituted as follows (namely):—

- (1) Within three months after the passing of this Act the directors of each of the Five Companies shall appoint two persons to represent their company :
- (2) The ten persons so appointed shall form the committee :
- (3) A member of the committee shall remain in office until his office is vacated by death resignation or otherwise :
- (4) A member of the committee may be removed at any time by the directors of the company of which he is a representative :
- (5) The directors of each of the Five Companies shall fill up vacancies occurring by death resignation or otherwise among their respective representatives on the committee :
- (6) Every appointment and removal of a member of the committee shall be made by writing under the hand of the secretary of the Company which he represents :
- (7) The joint committee as above constituted and their successors (hereinafter referred to as "the committee") shall be and are hereby incorporated under the name of "The South Yorkshire Joint Line Committee" and under that name shall be a body corporate with perpetual succession and a common seal and with power to acquire hold and dispose of lands.

20. All the powers and rights which by this Act are transferred to or conferred upon the Five Companies jointly shall be vested in the committee and shall be exercised on behalf of the Five Companies by and in the name of the committee who shall have the direction and management of the joint undertaking and subject to the provisions of this Act may exercise in relation thereto all the powers which are usually and properly exercised by a railway company or by the directors of a railway company and in particular they may appoint remunerate and remove such officers clerks and servants as they may think fit and may also (subject to the approval of the respective boards of directors of the Five Companies) fix their own remuneration which shall be paid as part of the expenses of the committee.

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Powers and
functions of
committee.

21. The committee shall hold their meetings at such times and places as they may from time to time determine and three members being respectively representatives of three of the Five Companies shall be a quorum thereof. A chairman shall be elected for each meeting and chairmen shall be so elected from the representatives of each of the Five Companies in turn unless it is otherwise unanimously resolved at any meeting. Provided that any two members of the committee may by notice in writing addressed to the secretary of the committee require him to summon a meeting of the committee for any special business to be signified in such notice and the secretary shall summon a meeting accordingly to be held at such time and place as shall be named in the summons but not later than fourteen days after the receipt by the secretary of such notice.

Meetings of
committee.

22. Subject as in this Act provided all questions at any meeting of the committee shall be decided by a majority of votes but any question so decided shall be reconsidered by the committee at their next meeting if any member of the committee who either dissented from such decision or was not present at the meeting at which it was arrived at shall within twenty-eight days after such meeting by writing addressed to the secretary of the committee so request. The representatives of each of the Five Companies shall only have one vote between them (which vote may be given by either of them in the absence of the other) and the chairman shall not have a casting vote.

Voting at
meetings of
committee.

23. If any difference shall arise between the members of the committee in relation to any matter touching the joint undertaking or which under the provisions of this Act has to be done or determined by the committee the same shall on the written

Arbitration.

A.D. 1903. — requisition of any member of the committee be referred to a single arbitrator to be appointed unless otherwise unanimously determined by the members of the committee by the Board of Trade. The decision of such arbitrator shall be final and shall take effect as if it were a unanimous resolution of the committee and until such decision shall have been given no resolution of the committee touching the matter in difference not being a unanimous resolution shall be acted upon or have any effect.

Funds for
construction
of joint rail-
ways.

24. In order to provide funds for the purchase of lands and the construction of the joint railways and the works connected therewith the following provisions shall have effect (namely):—

The committee shall from time to time in a minute of the committee estimate the amount of money required by them for the purposes aforesaid and fix the times at which such money is to be paid to their bankers or treasurer and copies of every such minute signed by the chairman of the meeting at which such minute was made and by the secretary of the committee shall be sent to the secretaries of the Five Companies addressed to their respective principal offices:

The Five Companies shall at the time so fixed in the minute pay in equal shares to the bankers or treasurer of the committee the amount specified in the minute and such shares shall be deemed debts due from the Five Companies respectively to the committee as from the day fixed for the payment thereof:

If any company make default in such payment they shall unless otherwise resolved by the committee pay to the committee interest at the rate of ten pounds per centum per annum on the amount due from such company to be calculated from the day fixed for the payment thereof until the day when the same is paid:

The committee may recover from any company in default the money so due by proceedings in any court of competent jurisdiction and it shall be sufficient in any such proceedings for the committee to produce their minute book containing the estimate on which the claim is founded and to prove that a copy of the minute thereof duly authenticated was sent to the secretary of the company in default addressed to the principal office of that company and that the sum mentioned in such minute has not been paid.

25. The committee shall receive all the revenue arising from the joint undertaking and shall devote the same in the first instance to paying the salaries charges and expenses incident to the management and maintenance of the joint undertaking and all other expenses which if the joint undertaking were an independent railway undertaking would be properly payable out of revenue. The net revenue remaining in the hands of the committee at the end of every half year after making such payments as aforesaid shall be paid to the Five Companies in equal proportions.

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Disposal of
revenue.

26. Until a revenue is derived by the committee from the joint undertaking and thereafter if and so far as such revenue is insufficient for the purpose of defraying the expenses attending the management and maintenance of the joint undertaking the Five Companies shall from time to time on demand by the committee contribute in equal shares the amount required to make up the deficiency and the proportion so due from any of the Five Companies if unpaid for fourteen days after demand thereof in writing may be recovered by proceedings in any court of competent jurisdiction and in any such proceedings the production by the committee of their minute book containing a declaration that the amount sued for is the proportion due from the company in default in respect of such deficiency shall be sufficient evidence of the debt.

Expenses of
managing
undertaking.

27. Each of the Five Companies may (subject to equal rights in each of the other companies) use the joint railways for the conveyance of through traffic as fully as if the same were the separate railway of such company and any question as to the times or manner of working of trains over the joint railways shall be settled by the committee.

User of joint
railways.

28. The committee shall be credited in respect of the conveyance of through traffic over the joint railways or any part thereof by any of the Five Companies with a mileage proportion of the gross receipts from such traffic such proportion to be calculated after deducting from such receipts such terminals and allowances as shall be agreed between the Five Companies or in case of difference settled by arbitration but out of such proportion the committee shall pay or allow to the company working the traffic on the joint railways the following per-centages of such proportion for working expenses (*viz.*) twenty-five per centum for coal and coke traffic and thirty-three and one third per centum for all other traffic. The committee shall also be credited with proper terminals and allowances in respect of through traffic arising or terminating on the joint railways.

Payment by
Five Com-
panies for use
of railways.

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Charges for
through
traffic.

29. Each of the Five Companies or any two or more of them may fix and quote through rates and fares in respect of through traffic carried by them over the joint railways or any part thereof Provided that if the committee object to any through rate or fare so fixed the proportion thereof to be credited to the committee shall be referred to arbitration.

Local traffic.

30. The mode of working local traffic and the charges to be made in respect of local traffic and any other charges attributable solely to the joint undertaking shall be fixed by the committee.

Running
powers to
Midland
North East-
ern and Lan-
cashire and
Yorkshire
Companies.

31. The Midland Railway Company the North Eastern Railway Company and the Lancashire and Yorkshire Railway Company (each of which is in this section called "the running company") respectively may for the purpose of conveying traffic of any description which has passed or is intended to pass over the joint railways or any part thereof run over and use with engines and carriages of every description and with their officers and servants so much of the railway of the Great Central Railway Company (in this section called "the Great Central Company") as lies between the junctions therewith of the joint railways at Kirk Sandall and of the North Eastern Railway at Thorne together with the stations watering-places sidings works and conveniences connected therewith and the following provisions shall apply to the exercise of such running powers :—

(1) The running company shall be at liberty to fix their own through rates and fares :

(2) Subject as hereinafter mentioned the Great Central Company shall receive a mileage proportion of the gross receipts from the traffic carried under the running powers such proportion to be calculated after deducting from such receipts such terminals and allowances as shall be agreed between the running company and the Great Central Company or in case of difference settled by arbitration but out of such proportion the Great Central Company shall pay or allow to the running company the following percentages of such proportion for the working expenses viz. twenty-five per centum for coal and coke traffic and thirty-three and one third per centum for all other traffic :

(3) If the Great Central Company object to any through rate or fare fixed by the running company the proportion thereof to be credited to the Great Central Company shall be determined by arbitration :

(4) Any question as to the times of the trains of the running company or as to the facilities or accommodation to be

provided for such trains by the Great Central Company and any other difference arising under this section or any question which under this section has to be determined by arbitration shall unless otherwise agreed between the Great Central Company and the running company be referred to a single arbitrator to be appointed by the Board of Trade.

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32. The North Eastern Railway Company the Lancashire and Yorkshire Railway Company and the Great Northern Railway Company (each of which is in this section called "the running company") respectively may run over and use with engines and carriages of every description and with their officers and servants so much of the Shireoaks Railway as is not by this Act made part of the joint undertaking and as shall be necessary to enable the running company to carry traffic of every description to or from any colliery or works connected or to be connected with the joint railways or the Shireoaks Railway or any station on such railways together with the stations watering places sidings works and conveniences connected therewith and the following provisions shall apply to the exercise of such running powers:—

Running powers to North Eastern Lancashire and Yorkshire and Great Northern Companies.

- (1) The running company shall be at liberty to fix their own through rates and fares:
- (2) Subject as hereinafter mentioned the two companies shall receive a mileage proportion of the gross receipts from the traffic carried under the running powers such proportion to be calculated after deducting from such receipts such terminals and allowances as shall be agreed between the running company and the two companies or in case of difference settled by arbitration but out of such proportion the two companies shall pay or allow to the running company the following percentages of such proportion for working expenses viz. twenty-five per centum for coal and coke traffic and thirty-three and one third per centum for all other traffic:
- (3) If the two companies object to any through rate or fare fixed by the running company the proportion thereof to be credited to the two companies shall be determined by arbitration:
- (4) The running company shall not under the powers hereby granted carry any traffic which arises and terminates either on the Shireoaks Railway or on that railway and a place situate on any railway of the two companies or either of them:

A.D. 1903.

(5) Any question as to the times of the trains of the running company or as to the facilities or accommodation to be provided for such trains by the two companies and any other difference arising under this section or any question which under this section has to be determined by arbitration shall unless otherwise agreed between the two companies and the running company be referred to a single arbitrator to be appointed by the Board of Trade.

Sections re-
pealed.

33. The following sections of the North Eastern Act and the Central and Midland Act shall not apply to the joint railways but shall so far as the same relate to such railways or any part thereof but not further or otherwise be repealed viz. North Eastern Act section 14 (Rates to be taken by the joint companies) and sections 36 to 51 (relating to powers conferred upon the joint companies) and Central and Midland Act sections 6 (Tolls) and 20 (Two companies to have equal rights in railways) and section 21 (Certain powers may be exercised by joint committee).

Fares rates
and charges.

34. The Five Companies and each of them may charge in respect of local traffic conveyed over the joint railways or any part thereof the same fares rates and charges as the two companies are by the Shireoaks Act and the Central and Midland Act authorised to charge in respect of traffic conveyed over the Shireoaks Railway and each of the Five Companies shall be entitled to charge in respect of through traffic conveyed by such company over the joint railways or any part thereof the same fares rates and charges as they are entitled to charge in respect of similar traffic conveyed for similar distances over the railways which form the separate undertaking of such company Provided that where traffic is conveyed by any such company partly over the joint railways and partly over such separate railways the joint railways and such separate railways shall for the purpose of calculating fares rates or charges be considered as one railway.

Certain pro-
visions of
general Acts
to apply to
Midland
Company.

35. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

The transfer or transmission of shares ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

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

by subsequent Acts are except where expressly varied by this Act incorporated with and form part of this Act and shall apply to the Midland Railway Company (in this and the following sections called "the Midland Company") and to the additional capital which they are by this Act authorised to raise.

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36. The Midland Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new preferred converted ordinary stock and new deferred converted ordinary stock or of Midland Railway two-and-a-half per centum perpetual preference stock such sums of money as they shall think necessary not exceeding one hundred and twenty thousand pounds exclusive of the other moneys which they are or may be by any other Act or Acts of Parliament authorised to raise. If and so far as any such moneys are raised by the creation and issue of new preferred and new deferred converted ordinary stock the Midland Company shall raise the same by the creation and issue of the said stocks in equal proportions. And any preference stock created under the powers of this section shall be deemed to be part of and shall rank *pari passu* with and shall confer the like privileges and shall bear the same dividend and be subject to the like restrictions as the existing Midland Railway two-and-a-half per centum perpetual preference stock.

Power to
Midland
Company to
raise addi-
tional money
by creation
of stock.

37. Except as by or under the powers of this Act otherwise provided all new preferred and new deferred converted ordinary stock issued under the powers of this Act shall in proportion to the amount of stock held by the same person at the same time entitle the respective holders of such new stock to the same dividends and profits and confer on them the like qualifications and the like rights of voting as the like amount paid up on the existing stock of the Midland Company other than and except stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of the Midland Company shall have been assigned.

Qualifica-
tions of new
stock.

38. The Midland Company may subject to the provisions of this Act borrow on mortgage of the undertaking or raise by the creation and issue of debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 55 of the Midland Railway Act 1894 any sum or sums not exceeding in the whole one third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by stock.

Power to
Midland
Company to
borrow.

A.D. 1903.

But no part thereof shall be borrowed until the whole of the capital stock at the time issued shall have been fully paid up and the Midland Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such stock has been issued and accepted and fully paid up and upon production to such justice of the books of the Midland Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid in reference to such capital has been given which certificate shall be sufficient evidence thereof.

Provisions with respect to appointment of a receiver.

39. Every provision in any Act passed before the present session of Parliament whereby the Midland Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Midland Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

The mortgagees of the Midland Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver And in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

40. All mortgages and bonds granted by the Midland Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Midland Company.

Application of moneys.

41. All moneys raised by the Midland Company under this Act whether by stock debenture stock or borrowing shall be applied only to the purposes of this Act and of any other Act of the present session of Parliament and to the general purposes

of the undertaking of the Midland Company being in each case purposes to which capital is properly applicable. A.D. 1903.

42. No interest or dividend shall be paid out of any share or loan capital which the Midland Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Midland Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid on calls paid up.

43. The Midland Company shall not out of any money by this Act authorised to be raised by them pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

44. Each of the Five Companies may apply for or towards the payments to be made by such company under the section of this Act of which the marginal note is "Funds for construction of joint railways" any sums of money which they have raised or are authorised to raise by any other Act of this or any other session and which are not required for the purposes to which they are by such Acts made specially applicable. Power for Five Companies to apply funds to purposes of Act.

45. Nothing in this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking authorised by the Shireoaks Act 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 passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking aforesaid or part thereof is owned or worked by the Five Companies or the joint committee as freely and fully in all respects as he was entitled to do before the passing of this Act. Saving for Postmaster-General.

46. Nothing in this Act contained shall exempt the Five Companies or their respective railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after Provision as to general Railway Acts.

[Ch. ccliii.] *South Yorkshire Joint Railway Act, 1903.* [3 EDW. 7.]

A.D. 1903. — 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 respectively.

Costs of Act. 47. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Five Companies in equal shares.

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