

**CHAPTER lxxvii.**

An Act to confer further powers upon the Hull and Barnsley Railway Company in respect of their own undertaking and upon that Company and the Great Central Railway Company and the North Eastern Railway Company respectively in respect of joint undertakings to extend the time for the compulsory purchase of lands and for the completion of works authorised to be acquired and constructed by the Hull and Barnsley Railway Act 1909 to revive the powers for the construction of works authorised by the Hull Joint Dock Act 1899 and for other purposes.

A.D. 1914.

[31st July 1914.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 the Hull and Barnsley Railway Company (herein-after 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 make and maintain the railways and works and to acquire the lands herein-after described and to exercise the other powers conferred on them by this Act:

A.D. 1914.

And whereas by the Hull and Barnsley Railway Act 1909 (in this Act 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 the railways therein respectively referred to as Railways Nos. 1 2 3 4 and 6 and under and by virtue of the provisions of that Act and of the Great Central Railway Act 1910 the powers in reference to such railways have been transferred to and are now vested in the Company and the Great Central Railway Company (in this Act called "the Two Companies") jointly:

And whereas by the Act of 1909 the times for the compulsory purchase of lands for and for the completion of the railways thereby authorised were respectively limited to three years and five years from the passing of that Act which received the Royal Assent on the sixteenth day of August one thousand nine hundred and nine and it is expedient that the time for the completion of the said Railways Nos. 1 2 3 4 and 6 should be extended and that the powers and the time for the compulsory purchase of certain lands and easements required for the purposes of the said Railway No. 4 should be revived and extended as by this Act provided:

And whereas it is expedient to authorise the Two Companies to make and maintain the railway herein-after described:

And whereas by the Hull Joint Dock Act 1899 the North Eastern Railway Company and the Company (in this Act called "the Joint Companies") were authorised to make jointly or severally as in that Act mentioned the dock works and railways at Hull by that Act authorised and the time for the completion thereof was limited to seven years from the passing of that Act which received the Royal Assent on the ninth day of August one thousand eight hundred and ninety-nine and by the Hull Joint Dock Act 1906 the time for the completion of certain of the said dock works and railways was extended until the ninth day of August one thousand nine hundred and thirteen:

And whereas the lands necessary for the construction of the said dock works and railways have been acquired and the greater part of such dock works and railways has been completed and it is expedient that the powers for the completion of the remainder thereof should be revived and extended as by this Act provided:

And whereas it is expedient that the powers in this Act contained should be conferred on the Company with reference to the supply of water gas and electrical energy on the docks railways or lands forming parts of or to vessels using their undertaking and that powers as in this Act contained should be conferred on the Company and on the North Eastern Railway Company or those Companies jointly or any joint committee of those Companies with reference to the supply of water gas and electrical energy on the docks railways or lands forming part of any joint undertaking of such Companies or of any joint committee or to vessels using such undertakings: A.D. 1914.

And whereas it is expedient that the Company and the Great Central Railway Company and the Hull and Barnsley and Great Central Railways Joint Committee 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 and other works 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 herein-after 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 1914. Short title.

A.D. 1914.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Powers to Hull and Barnsley Railway Company.

Part III.—Powers to Hull and Barnsley and Great Central Railway Companies.

Part IV.—General Provisions applicable to the taking of Lands and Construction of Works.

Part V.—Miscellaneous.

Incorporation 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.

Interpretation.

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 Two Companies” means the Company and the Great Central Railway 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;

The expression “the Joint Companies” means the Company and the North Eastern Railway Company;

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

“The Act of 1909” means the Hull and Barnsley Railway Act 1909.

PART II.

A.D. 1914.

POWERS TO HULL AND BARNSLEY RAILWAY COMPANY.

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

Power to
Company
to make
and maintain
railways.

The railways herein-before 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) 1 mile 4 furlongs and 1·30 chains or thereabouts in length commencing in the parish of Anlaby in the rural district of Sculcoates by a junction with the main line of the Hull and Barnsley Railway of the Company and terminating in the parish of Sculcoates in the city and county of Kingston-upon-Hull by a junction with the Neptune Street and Alexandra Dock Branch Railway of the Company:

A railway (No. 2) 1 furlong and 6·30 chains or thereabouts in length commencing in the said parish of Anlaby by a junction with Railway No. 1 by this Act authorised and terminating in the said parish of Sculcoates by a junction with the Neptune Street and Springhead Branch Railway of the Company:

A deviation railway 6 furlongs and 3 chains or thereabouts in length being a deviation and widening of the said main line of the Hull and Barnsley Railway commencing in the parish of Bishopsoil in the rural district of Howden by a junction with the said main line of the Hull and Barnsley Railway and terminating in the parish of Wallingfen in the said rural district of Howden by a junction with the said main line of the Hull and Barnsley Railway.

A.D. 1914.

Tolls &c. on
railways.

Power to
Company
to make
further
works.

6. The railways 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 form part of the railways of the Company.

7. Subject to the provisions of this Act the Company may in the rural district of Howden in the East Riding of the county of York make the works herein-after described and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those purposes and so far as the said works are shown on the deposited plans and sections the Company may make the same in the lines and according to the levels shown on the said plans and sections:—

(A) In the parish of Bishopsoil—

The Company may stop up and discontinue so much of the road known as Thornton Dam Lane as lies between a point 12·7 chains or thereabouts northward and a point 3·8 chains or thereabouts southward of the crossing on the level of the said road by the said Hull and Barnsley Railway of the Company near Sandholme Station and the whole of the road known as Cotness Lane leading from Thornton Dam Lane aforesaid (immediately to the northward of such crossing) to the road known as Packman Lane:

(B) In the parishes of Bishopsoil and Wallingfen—

The Company may stop up and discontinue so much of the road known as Drain Bank as lies between its junction with the three roads known as Leatherdog Lane Packman Lane and Landing Lane respectively and a point seven chains or thereabouts (measured along Drain Bank aforesaid) northward of such junction and so much of Leatherdog Lane aforesaid as lies between such junction and a point ten chains or thereabouts (measured along Leatherdog Lane aforesaid) southward of such junction and in lieu of such portions of Drain Bank and Leatherdog Lane as aforesaid they may make and maintain a new road between the said point in Drain Bank aforesaid seven chains northward and the said point in Leatherdog Lane aforesaid ten chains southward of the said junction of the said roads

together with a bridge over the said Hull and Barnsley Railway and the deviation railway by this Act authorised;

A.D. 1914.

The Company may stop up and discontinue so much of Packman Lane aforesaid as lies between its junction with Drain Bank Leatherdog Lane and Landing Lane aforesaid and a point 3·5 chains or thereabouts (measured along Packman Lane aforesaid) north-westward of such junction and so much of Landing Lane aforesaid as lies between such junction and a point 6·5 chains or thereabouts (measured along Landing Lane aforesaid) north-eastward of such junction and in lieu of such portions of Packman Lane and Landing Lane as aforesaid they may make and maintain a new road between the said point in Packman Lane 3·5 chains north-westward and the said point in Landing Lane 6·5 chains north-eastward of the said junction of the said roads and forming a junction with the said new road hereinbefore described and authorised by this Act between Drain Bank and Leatherdog Lane:

(c) In the parish of Howden—

The Company may stop up and discontinue so much of the footpath leading from the road from Howden to Selby near the north side of the crossing on the level of such road by the said main line of the Hull and Barnsley Railway to Howden Parks and Brind as lies between the junction of the said footpath with the said road and a point two and a half chains or thereabouts (measured along the said footpath) northward of such junction and in lieu thereof they may make and maintain a new footpath between the last-mentioned point and a point on the northern boundary of the said road one and a half chains or thereabouts westward of the said level crossing.

8.—(1) Before stopping up or discontinuing or in any way interfering with the portion of the road known as Thornton Dam Lane and the road known as Cotness Lane and the portions of the roads known as Drain Bank Leatherdog Lane Packman Lane and Landing Lane in the parishes of Bishopsoil and Wallingfen referred to in the section of this Act the marginal note whereof is "Power to Company to make further works"

As to
highways
in rural
district of
Howden.

A.D. 1914. the Company shall unless otherwise agreed with the rural district council of Howden (herein-after in this section called "the council") comply with the conditions herein-after mentioned in this subsection (namely):—

(A) The Company shall properly form and construct as metalled roads in the manner herein-after mentioned the following roads or parts of roads (viz.):—

(i) Packman Lane from its northern end and junction with Leavens or Fish Lane near Packman Hill southward as far as the point where it will join the commencement of the northern sloped approach to the proposed bridge carrying Leatherdog Lane over the Hull and Barnsley Railway and over the deviation railway by this Act authorised;

(ii) Leatherdog Lane from its southern end where it joins the Hull and Howden Road northward as far as the point where it will join the commencement of the southern sloped approach to the said bridge;

(iii) The whole of the road known as Mill (otherwise White) Lane which runs between the roads known as Anserdam Lane and Thornton Dam Lane;

(iv) Thornton Dam Lane from its junction with Mill Lane southward for a distance of three hundred and six yards or thereabouts to the point to which the southern portion of the said road has been made into a metalled road by Lloyd Patchett and has been taken over as a road repairable by the Council :

(B) The said roads and parts of roads mentioned in paragraph (A) of this subsection (herein-after in this section called "the roads") shall be properly formed made metalled rolled and consolidated by the Company for the width of twelve feet with a foundation of ten inches of good hard chalk and a covering of four inches of Queensferry granite or (if the Company shall desire) such other suitable material as may be first approved by the surveyor for the time being of the council Provided that in the case of Mill Lane which has been partially metalled with chalk

the requirements of this subsection in relation to the said foundation of chalk shall be deemed to be satisfied by the placing thereon by the Company of so much chalk as shall be necessary to increase the depth of chalk for the width aforesaid to ten inches where the chalk is not at present of that depth and the proper formation making steam rolling and consolidation thereof :

A.D. 1914.

(c) The Company shall fill in with soil any holes in the roads within the width to be metalled by them as aforesaid but shall not otherwise be under any obligation to alter the gradients thereof :

(D) The Company shall (if they think fit) and only so far as may be necessary for the purposes of this section excavate the soil from any part of the surface of the roads but in such case shall remove from the roads all soil so excavated and not used for the purposes of filling :

(E) The Company shall not be under any obligation to construct any drains in or alongside the roads.

(2) As from the completion of the said works in connexion with the roads to the reasonable satisfaction of the council and without any further obligation on the part of the Company under the sections of this Act of which the marginal notes are "Power to Company to make further works" and "Stopping up roads and footpaths in case of diversion or making of new road or footpath" so far as such sections relate to Thornton Dam Lane and Cotness Lane all rights of way over or along the portion of Thornton Dam Lane to be stopped up under the provisions of the said section of this Act herein-before referred to and over or along Cotness Lane aforesaid shall be extinguished and the Company 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 sites of the portion of road and road stopped up so far as the same are bounded on both sides by lands of the Company.

(3) The Company shall for the period of twelve months after the completion by them of the works in connexion with

A.D. 1914. — the roads herein-before referred to in this section properly maintain and keep in repair the roads to the reasonable satisfaction of the council.

(4) The council at the end of the said period of twelve months provided that the roads shall have been completed and properly maintained and kept in repair in accordance with the foregoing provisions of this section shall take over the maintenance and repair of the roads and the Company shall thereupon cease to be under any responsibility whatsoever in respect of the same.

(5) Any difference which may arise between the council and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be settled by a practical highway surveyor or engineer to be appointed (unless otherwise agreed) upon the application of either the council or the Company by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply thereto.

Agreements with road authorities as to construction and maintenance of new roads and foot-paths.

9. The Company on the one hand and any authorities bodies or persons having the control or management of existing roads streets footpaths or highways in the parishes in which any new or altered road or footpath authorised to be constructed by the Company under the powers of this Act will be situate on the other hand may enter into and carry into effect agreements with respect to the construction maintenance and use of any such new or altered road or footpath and as to contributions by such authorities bodies and persons towards the cost of carrying out the same.

Power to Company to take additional lands.

10. The Company in addition to the other lands which they are by this Act authorised to acquire 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):—

In the rural district of Howden in the East Riding of the county of York—

(A) In the parish of Gilberdike—

Land bounded on the west by the road known as Anserdam Lane and on the east by the road known

as Thornton Dam Lane and being the inclosure numbered on the $\frac{1}{2500}$ Ordnance map (1909 edition) 96 in the said parish of Gilberdike. A.D. 1914.

(B) In the parish of Bishopsoil—

(1) Lands houses and buildings situate and abutting on the north side of the Company's main line of railway at and near Sandholme Station bounded by Anserdam Lane on the west and Packman Lane and Leatherdog Lane on the east and being the inclosures or parts of the inclosures numbered on the $\frac{1}{2500}$ Ordnance map (1909 edition) 296 299 301 304 310 316 and 317 in the said parish of Bishopsoil together with the road known as Cotness Lane and portions of the roads known as Thornton Dam Lane Packman Lane Drain Bank and Leatherdog Lane:

(2) Lands houses and buildings situate and abutting on the south side of the Company's main line of railway at and near Sandholme Station and situate between Sandholme Station on the west and Leatherdog Lane on the east and being the properties or parts of the properties numbered on the $\frac{1}{2500}$ Ordnance map (1909 edition) 306 309 312 313 314 and 329 in the said parish of Bishopsoil together with a portion of the said road known as Thornton Dam Lane.

(c) In the parish of Howden—

Lands situated on and partly adjoining the north side of the road from Howden to Selby near the crossing on the level of such road by the main line of the Hull and Barnsley Railway aforesaid and being parts of the inclosures respectively numbered on the $\frac{1}{2500}$ Ordnance map (second edition 1907) 285 286 and 287 in the said parish of Howden.

In the rural district of Sculcoates in the East Riding of the county of York—

In the parish of Anlaby—

Lands and buildings situate and abutting on the south side of the main line of the railway of the Company and the locomotive sheds and sidings and property of the Company and situate between a point twenty-six and a half chains or thereabouts measured along the

A.D. 1914.

last-mentioned railway westward of the bridge carrying such railway over the road known as New Lodge Lane on the west and the road known as Calvert Lane on the east and lying between the aforesaid railway and the locomotive sheds and sidings of the Company on the north and Anlaby Road on the south and a portion of which lands forms a portion of the site of the Railway No. 1 by this Act authorised.

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.

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

11. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company are herein-after included in the term “the owner” and the said properties are herein-after referred to as “the scheduled properties”:
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company

paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner:
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material

A.D. 1914.

detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845 :

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Stopping up roads and footpaths in case of diversion or making of new road or footpath.

12. Save as herein-before in this Act provided in connexion with the stopping up of the said portion of Thornton Dam Lane and Cotness Lane aforesaid where this Act authorises the diversion of a road or public footpath or the making of a new road or footpath in substitution for an existing road or footpath or portion thereof and in connexion therewith the stopping up of an existing road or public footpath or any portion thereof such stopping up shall not take place until in the case of a new road the new road is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new road has been completed to their satisfaction and is open for public use and in the case of a public footpath until two justices shall have certified

that the new footpath has been completed to their satisfaction and is open for public use. A.D. 1914.

Before applying to the justices for their certificate in the case of a new road the Company shall give to the road authority seven days' notice in writing of their intention to apply for the same.

As from the completion of the new roads to the satisfaction of the road authority or as from the date of the said certificate as the case may be all rights of way over or along the existing roads or portions thereof or over or along the existing footpath or portion thereof shall be extinguished and the Company 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 or footpath stopped up so far as the same is bounded on both sides by lands of the Company.

13. Save as in this Act otherwise expressly provided the new roads and footpath to be made under the authority of this Act shall unless otherwise agreed when made and completed be repaired and maintained by and at the expense of the parties on whom the expense of maintaining the roads and footpath for which the new roads and footpath are substituted now devolves. Repair of new roads and footpath.

14. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Company shall as from the date of such acquisition be extinguished and the Company shall make full compensation to all parties interested in respect of any such rights or in respect of any private rights of way extinguished by virtue of this Act over any portion of any road or footpath by this Act authorised to be stopped up or diverted by the Company 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.

PART III.

POWERS TO HULL AND BARNSELY AND GREAT CENTRAL RAILWAY COMPANIES.

15. Subject to the provisions of this Act the Two Companies may make and maintain in the lines or situations and within the limits of lateral deviation shown on the deposited plans Powers to Two Companies to make and

A.D. 1914.

maintain
railway.

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 herein-before 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. 3) 2 furlongs and 5·15 chains or thereabouts in length situate wholly in the parish and urban district of Bentley-with-Arksey commencing by a junction with the Railway No. 2 authorised by the Act of 1909 and terminating by a junction with the Railway No. 6 authorised by the Act of 1909.

Tolls &c. on
railway.

16. 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 Two 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 Two Companies shall so far as applicable extend and apply to the construction maintenance and use of the said railway.

As to private rights of
way over
lands taken
compulsorily.

17. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily by the Two Companies shall as from the date of such acquisition be extinguished Provided that the Two Companies 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.

Extending
powers of
North Eastern Railway
Company
to Railway
No. 3.

18. 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 shall extend and apply to Railway No. 3 authorised by this Act.

For protection
of Midland
Railway
Company.

19. The provisions of section 50 of the Act of 1909 shall extend and apply to Railway No. 3 by this Act authorised.

PART IV.

A.D. 1914.

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

20. 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 Company and to the Two Companies 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 "Powers to Hull and Barnsley Railway Company" the Company;
and

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

21. 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 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.

Lands for extraordinary purposes.

22. 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.

Period for compulsory purchase of lands.

23. 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.

Persons under disability may grant easements &c.

A.D. 1914.

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

24. 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.

25. 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 have 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.

26. 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 thirteen 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.

A.D. 1914.
 —
 Compensation in case of recently altered buildings acquired by authorised company.

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

Protection of gas and water mains of local authorities.

28. In constructing the works by this Act authorised 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 said works as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards.

Limits of deviation.

29. 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.

Period for completion of works.

30. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Therefore the authorised company at their own costs and charges may and if required by the owners or lessees of any such house

Underpinning of houses near railway.

A.D. 1914. or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the authorised company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the authorised company:
- (3) If any owner lessee or occupier of any such house or building or the authorised company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the Arbitration Act 1889 shall apply to the reference:
- (4) The arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the authorised company may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The authorised company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the authorised company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the authorised company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the authorised company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof: A.D. 1914.
- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the authorised company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

31. 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

Penalty imposed unless railways opened within time limited.

A.D. 1914. 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 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.

Application
of penalty.

32. 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 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.

Authorised
company
not bound
to maintain
surface of

33. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the authorised company shall not be liable to maintain the surface of any

road or public highway which shall be carried over the railway by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or public highway is permanently altered. A.D. 1914.
roads &c.
unless level
permanently
altered.

PART V.

MISCELLANEOUS.

34. The Company the Great Central Railway Company 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 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
apply funds.

35. The period limited by the Act of 1909 for the completion of the Railways Nos. 1 2 3 4 and 6 authorised by that Act is hereby extended for a period of three years from the sixteenth day of August one thousand nine hundred and fourteen. Extension of
time for com-
pletion of
works autho-
rised by Act
of 1909.

36. The powers conferred upon the Company by the Act of 1909 and now vested in the Two Companies for and with respect to the compulsory purchase of lands for the purposes of the railway No. 4 authorised by the Act of 1909 are hereby revived and extended in respect of the lands and properties numbered on the plans deposited for and referred to in the Act of 1909 2 3 and 4 in the parish of Owston in the rural district of Doncaster in the West Riding of the county of York and easements in over or under such lands and properties and such powers may accordingly be exercised in respect of such lands and properties and easements at any time within but shall not be exercised after the expiration of three years from the passing of this Act. Revival of
powers for
compulsory
purchase of
certain
lands under
Act of 1909.

37. The powers conferred upon the Joint Companies and on either of such Companies and on the Hull Joint Dock Committee for the construction of the dock works and railways described in and authorised by the Hull Joint Dock Act 1899 and the time for the construction of which was extended by the Hull Joint Dock Act 1906 are hereby revived and continued Revival of
powers to
construct
works
authorised
by Hull
Joint Dock
Act 1899.

A.D. 1914. and may be exercised at any time during three years from the passing of this Act. On the expiration of the said period the said powers shall cease except as to so much of the said dock works and railways as shall then be completed.

Powers to Company and Joint Companies to supply water gas and electrical energy on their undertakings.

38. The Company may supply water gas and electrical energy for the use of the Company or any other person or persons on any docks railways or lands forming part of the undertaking of or belonging to the Company or for the use of vessels using such undertaking and may make charges therefor and the Joint Companies or either of them or any joint committee of such Companies constituted by Act of Parliament may supply water gas and electrical energy for the use of the Joint Companies or each or either of such Companies or any such joint committee or of any other person or persons on any docks railways or lands forming part of any joint undertaking of or belonging to the Joint Companies or any such joint committee or for the use of vessels using such undertakings and may make charges therefor:

Provided that notwithstanding anything in this section contained the Company or the Joint Companies or either of them or any such joint committee shall not be deemed to be a water company for the purposes of section 52 of the Public Health Act 1875:

Provided further that any electrical energy supplied under the provisions of this section shall be so supplied and used as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

For protection of rural district council of Howden.

39. Notwithstanding anything contained in the section of this Act the marginal note whereof is "Powers to Company and Joint Companies to supply water gas and electrical energy on their undertakings" the following provisions shall unless otherwise agreed apply and have effect for the protection and benefit of the rural district council of Howden (that is to say) Except in the case of any supply of water which may be given under powers conferred by the said section for the use of the Company or the Joint Companies or either of them or any joint committee of such Companies or for the use of their respective undertakings the Company or the Joint Companies or each or either of such

Companies or any such joint committee shall in respect of any supply of water to be given by them under the powers of the said section in the rural district of Howden obtain such supply from the rural district council of Howden aforesaid if the said council shall at the expiration of three calendar months' notice in writing to the said council that such supply is required be able and willing and shall thereafter continue to be able and willing during the time when such supply may continue to be required to afford to the Company the Joint Companies or either of them or such joint committee as the case may be requiring the water for the purposes of such supply an adequate supply of water in bulk for such purposes upon terms and conditions as to price and otherwise which will not involve greater expense to the Company the Joint Companies or either of them or such joint committee as the case may be than would be occasioned to them if they themselves were to obtain such supply from other sources Provided always that except in the case of any supply of water which may be given for the use of the Company or the Joint Companies or either of them or any joint committee of such Companies or for the use of their respective undertakings the Company or the Joint Companies or each or either of such Companies or any such joint committee shall not within the period of three years from the passing of this Act give any supply of water under the powers of the said section in the said rural district without the consent in writing of the said council.

A.D. 1914.

40. Notwithstanding anything contained in the section of this Act the marginal note whereof is "Powers to Company and Joint Companies to supply water gas and electrical energy on their undertakings" the following provisions shall unless otherwise agreed apply and have effect for the protection and benefit of the Yorkshire Electric Power Company (in this section called "the power company") (that is to say):—

For protection of Yorkshire Electric Power Company.

- (A) Subject as herein-after provided nothing in the section of this Act above referred to shall without the consent in writing of the power company authorise the supply of electrical energy to any company body or person for use within the area of supply of the power company Provided that electrical energy supplied by the Company may be used by the Company within such area for the purposes of their under-

A.D. 1914.

taking or by any railway company committee or other body corporate exercising powers of running over and using railways of the Company situate within such area for the purpose of working their traffic on such railways:

- (B) Nothing in this Act shall extend to or authorise any interference with any works of the power company to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of the power company constructed or placed upon or above the level of the ground.

For protection of
Hessle Gas
Light and
Coke
Company.

41. Nothing in the section of this Act the marginal note whereof is "Powers to Company and Joint Companies to supply water gas and electrical energy on their undertakings" shall be deemed to authorise the exercise of any powers to supply gas conferred by the said section within or for use within the area of supply of the Hessle Gas Light and Coke Company (hereinafter in this section called "the gas company") or the taking from any corporation or person other than the gas company of a supply of gas for use within such area except with the consent in writing of the gas company. Provided always that the foregoing provisions of this section shall not be construed so as to enable the gas company to prevent the obtaining by the Company from the British Gas Light Company Limited of a supply of gas for use on the portion of the railway and works of the Company situate in the parish of Anlaby in the East Riding of the county of York and bounded on the east by the road known as Calvert Lane and on the west by the road numbered 50 in the said parish of Anlaby on the Ordnance map (scale $\frac{1}{2500}$ published in 1890).

For protection of New
Hedon Gas
and Coke
Company
Limited.

42. Nothing in the section of this Act the marginal note whereof is "Powers to Company and Joint Companies to supply water gas and electrical energy on their undertakings" shall authorise the exercise of any powers conferred by such section to supply coal gas within or for use within the area of supply of the New Hedon Gas and Coke Company Limited except with the consent in writing of that company.

43. 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 or 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.

A.D. 1914.
Power to Company and other companies and joint committees to lease or dispose of 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.

44. 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.

Recovery of demands.

45. 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.

Provision as to general Railway Acts.

46. 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.

A.D. 1914.

The SCHEDULE referred to in the foregoing Act.

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

Parish.	Nos. on deposited Plans.	Description of Property.
DEVIATION RAILWAY.		
Bishopsoil	10	Field.
	11	Field.
	12	Road (Cotness Lane).
	14	Approach road to level crossing.
	16	Brickworks office buildings tramways claypits land and works.
	19	House outbuildings and garden.
	20	House.
	21	House.
	22	House.
	23	House.
	24	House.
25	House.	
26	House.	
27	Gardens privies coalhouses and ashpits.	
NEW ROADS BEING DIVERSIONS OF DRAIN BANK AND LEATHERDOG LANE AND OF PACKMAN LANE AND LANDING LANE.		
Bishopsoil	11	Field.
	12	Road (Cotness Lane).
	16	Brickworks claypits and works.
	18	Field.
	27	Gardens.
	28	Drain and culvert.
ADDITIONAL LANDS AT SANDHOLME.		
Bishopsoil	10	Field.
	11	Field.
	12	Road (Cotness Lane).
	14	Approach road to level crossing.
	16	Brickworks office buildings tramways claypits land and works.
	19	House outbuildings and garden.
	20	House.
	21	House.
	22	House.
	23	House.
	24	House.
25	House.	
26	House.	
27	Gardens privies coalhouses and ashpits.	

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
28, ABINGDON STREET, S.W., 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.