



CHAPTER lxxvii.

An Act to authorise the Hull and Barnsley Railway Company to construct a pier and railways at Hull and to purchase additional lands and for other purposes.

A.D. 1907.

[26th July 1907.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 the Hull and Barnsley Railway Company (in this Act 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 construct the pier or landing stage and railways and to acquire the lands herein-after described and to exercise the other powers conferred on them by this Act :

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

And whereas plans and sections showing the lines situations and levels of the pier or landing stage and railways authorised by this Act and the lands and other property in or through which the same will be made or pass and plans also of the other lands and property to be compulsorily taken under the powers of this Act and also books of reference to the said plans respectively containing the names of the owners and lessees or reputed owners

A.D. 1907. — 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 (that is to say) :—

Short title.

1. This Act may be cited as the Hull and Barnsley Railway Act 1907.

Incorporation of general enactments.

2. 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 Harbours Docks and Piers Clauses Act 1847 (with the exceptions of section 12 and unless the Board of Trade shall otherwise require sections 16 to 19) ;

The Railways Clauses Consolidation Act 1845 ; and

Part I. of the Railways Clauses Act 1863 relating to construction of a railway.

Interpretation.

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

The expression " the pier " means the pier or landing stage and approaches thereto by this Act authorised ;

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

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

The expression " the commissioners " means the Humber Conservancy Commissioners.

4. 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 works described in this section 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.

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Power to construct pier and railways.

The works herein-before referred to and authorised by this Act will be situate in the parish of Sculcoates in the city and county of Kingston-upon-Hull in the East Riding of the county of York and are as follows :—

A pier or landing stage commencing at the jetty on the west side of the entrance to the Alexandra Dock of the Company at a point seventy-seven yards or thereabouts south-west of the heel post of the west outer gate of the lock entrance to that dock and extending thence in a south-westerly direction for a distance of one hundred and ninety yards or thereabouts and thence in a westerly direction for a distance of four hundred yards or thereabouts to and terminating at a point one hundred and sixty yards or thereabouts measured in a south-easterly direction from the south end of the timber jetty at the eastern boundary of the premises of Earles Shipbuilding and Engineering Company :

The pier and so much of the approaches as are situated over the River Humber shall be constructed and maintained of open pile work in accordance with the provisions of subsection 6 of the section of this Act whereof the marginal note is “ For protection of commissioners ” :

A Railway (No. 1) 2 furlongs and 5 chains in length commencing by a junction with the railway lines of the Company and terminating on the pier at a point 397 yards or thereabouts measured in an easterly direction from the termination of the pier :

A Railway (No. 2) 7 furlongs and 5·50 chains in length commencing by a junction with the main line of the Company and terminating at a point four yards or thereabouts south of the northern boundary of the works of the National Radiator Company and 128 yards or thereabouts west of the eastern boundary thereof.

5. The piles forming the substructure of the four approaches to the pier shall be so placed as to leave a passage under each approach of not less than twenty-five feet in width measured on

Passage to be left in approaches.

A.D. 1907. the square And the Company shall so use the easternmost of such approaches as to allow of the user of the passage underneath the same by keels lighters and river craft at all times when the state of tide makes it reasonable for allowing access to the Alexandra Dock.

Power to
make sub-
sidiary
works.

6. The Company may from time to time make and maintain in connexion with the pier and the railways or any of those works all necessary or convenient jetties quays staithes wharves stages landing places dolphins moorings gangways approaches roads bridges gates sidings junctions stations warehouses sheds buildings machinery lifts appliances and other works and conveniences.

Limits of
deviation.

7. In constructing the pier the 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 pier as shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to
dredge.

8. Subject to the provisions of the section of this Act of which the marginal note is "For protection of commissioners" the Company may from time to time deepen dredge scour cleanse alter and improve the bed shores and channel of the River Humber to the southward or riverward of the pier for the purpose of affording uninterrupted means of access thereto in accordance with the dredging operations to be undertaken by the commissioners and in such manner as shall be approved by the commissioners or by an arbitrator to be appointed in manner provided by the said section.

In carrying out such dredging the Company may remove any shingle rocks and shoals and otherwise improve the said approaches and so facilitate the access to the said works and the Company may use and appropriate any materials so dredged or removed Any such material excavated or dredged by them from time to time from the River Humber or from any part of the works as they are unable to use in their works they shall either deposit above high-water mark of spring tides or shall deposit in such places and situations within the limits of the jurisdiction of the commissioners as the commissioners shall from time to time direct or if the commissioners shall so require shall carry the same out to sea :

Provided that all materials excavated or dredged under the provisions of this section if deposited below high-water mark shall be deposited in such position and under such restrictions as may be fixed by the Board of Trade. A.D. 1907.

9.—(1) If by reason of the construction of the pier or any part thereof any accumulation of silt or other material shall create an impediment to the free access from any direction to any docks works or premises of the North Eastern Railway Company fronting on the north side of the River Humber or to any part of such docks works or premises or to the Hull Joint Dock or any part of such dock the Company shall if so requested by the North Eastern Railway Company at any time and from time to time during the construction and during a period of fifteen years after the completion of the pier or works causing such accumulation remove such accumulation and if the Company on such request refuse or fail to do so the North Eastern Railway Company may cause the work to be done and the amount of the expense occasioned thereby shall be a debt due from the Company to the North Eastern Railway Company and be recoverable accordingly. For protection of North Eastern Railway Company.

(2) If any question or difference shall arise between the Company and the North Eastern Railway Company with reference to any matter comprised or referred to in this section the matter in dispute shall be decided by an engineer to be appointed as arbitrator failing agreement by the Board of Trade on the application of the Company or of the North Eastern Railway Company.

10.—(1) If by reason of the construction of the pier or any part thereof any accumulation of silt or other material shall create an impediment to the free access from any direction to the shipbuilding yard of Earles Shipbuilding and Engineering Company (Limited) (in this section called “Earles Company”) fronting on the north side of the River Humber or to any part of such yard the Company shall if so required by Earles Company at any time and from time to time during the construction and during a period of fifteen years after the completion of the pier or works causing such accumulation remove such accumulation and if the Company on such request refuse or fail to do so Earles Company may cause the work to be done and the amount of the expense occasioned thereby shall be a debt due from the Company to Earles Company and be recoverable accordingly. For protection of Earles Shipbuilding and Engineering Company (Limited).

(2) If any question or difference shall arise between the Company and Earles Company with reference to any matter comprised or referred to in this section the matter in dispute shall