CHAPTER lxxix.

An Act for extending the periods limited for the compulsory purchase of lands for and for the completion of certain of the authorised works of the Hull Barnsley and West Riding Junction Railway and Dock Company and for the abandonment of other of their authorised works for authorising the construction of a new railway by the Company and for other purposes. [5th July 1887.]

A.D. 1887.

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 (in this Act called "the Act of 1880") the Hull Barnsley and West Riding Junction Railway and Dock Company (in this Act called "the Company") were incorporated for the purpose (amongst other things) of making and maintaining railways in the west riding of the county of York and thence to Hull with a dock and other works in connexion therewith at Hull with a share capital of three million pounds and with power to borrow not exceeding one million pounds:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 (in this Act called "the Act of 1882") the Company were authorised to construct certain railways in the west riding of the county of York (including a Railway No. 5) a new road at Drax and certain other works included under the heading of "New Docks and Works at Hull" and by that Act which received the Royal Assent on the eighteenth day of August one thousand eight hundred and eighty-two the periods for the compulsory purchase of lands for the purposes of that Act were limited (A) as regards lands required for purposes of the railways thereby authorised and of the new road at Drax to three years and (B) as regards lands required for other purposes to five years from the passing of that Act and the periods for the completion of the works by that Act authorised were limited (A) as regards the railways and the new road at Drax to five years and (B) as regards the dock and other works to eight years from the passing of that Act:

D. 1887. And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1885 (in this Act called "the Act of 1885") the periods limited by the Act of 1882 for the compulsory purchase of lands for and for the completion of the railways authorised by the Act of 1882 were respectively extended for two years from the eighteenth day of August one thousand eight hundred and eighty-five and three years from the eighteenth day of August one thousand eight hundred and eighty-seven :

And whereas by reason of the difficulty in raising the necessary funds for that purpose the powers of the Company for the compulsory purchase of lands for and for the completion of the works authorised by the Act of 1882 have not hitherto been exercised except as to certain lands and works necessary for the purposes of the Company's undertaking under the Act of 1880 and it is expedient that the periods now limited for the exercise of such powers so far as relates to the works herein-after in that behalf mentioned authorised by the said Act be respectively extended as in this Act provided and that the Company should be authorised to abandon the construction of the portion herein-after mentioned of Railway No. 1 and the Railway No. 2 respectively authorised by the said Act and that the capital and borrowing powers of the Company under the Act of 1882 be reduced as herein-after provided :

And whereas by section 48 of the Act of 1882 it was provided that such part (herein-after referred to as "the railway deposit "fund of 1882") of the sum of one hundred and ten thousand eight hundred and thirty pounds sixteen shillings and tenpence Three Pounds per Cent. Consolidated Bank Annuities as represented five per cent. upon the amount of the estimate in respect of the railways authorised by that Act which had been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for that Act should not be transferred to or on the application of the depositors (as therein defined) unless the Company should previously to the expiration of the period limited by that Act for completion of the railways by that Act authorised open the same for the conveyance of public traffic subject to the provisions for the re-transfer from time to time to the depositors of portions of the said annuities in proportion to the length of the said railways from time to time opened for the conveyance of public traffic :

And whereas by section 49 of the Act of 1882 it was provided that if the Company did not previously to the expiration of the period limited for the completion of the railways by that Act authorised complete and open the same as aforesaid the railway deposit

fund of 1882 or so much thereof as had not been transferred to the depositors should in the first instance be applicable towards compensating any landowners or other persons whose property might have been interfered with or injuriously affected and that any surplus remaining over after the satisfaction of the claims of such landowners or other persons should be either forfeited to Her Majesty or applied (if the Company were insolvent or a receiver were appointed) for the benefit of the creditors thereof:

And whereas of the said sum of one hundred and ten thousand eight hundred and thirty pounds sixteen shillings and tenpence Three Pounds per Cent. Consolidated Bank Annuities eighty-nine thousand four hundred and six pounds represented the railway deposit fund of 1882 and of the said sum of eighty-nine thousand four hundred and six pounds annuities the sum of six thousand six hundred and forty-seven pounds has been released leaving a balance of eighty-two thousand seven hundred and fifty-nine pounds annuities in court fifty-eight thousand and eighty-eight pounds of which represents the sum deposited in respect of the railway and portion of railway authorised by the Act of 1882 which the Company are by this Act authorised to abandon and it is expedient that the said sum of fifty-eight thousand and eighty-eight pounds annuities part of the annuities deposited as aforesaid should be repaid and transferred as herein-after provided:

And whereas the works which the Company were authorised by the Act of 1880 to construct included certain railways therein referred to as Railway No. 5A and Railway No. 5B respectively the time for the construction of which was by the said Act limited to five years from the passing of that Act which received the Royal Assent on the twenty-sixth day of August one thousand eight hundred and eighty:

And whereas by section 94 of the Act of 1880 it was provided that the sum of one hundred and five thousand six hundred and fifty-two pounds two shillings and sixpence (herein-after referred to as "the railway deposit fund of 1880") being a portion of the sum of one hundred and forty-one thousand seven hundred and sixty-one pounds thirteen shillings and threepence Three Pounds per Cent. Consolidated Bank Annuities which had been transferred into the Chancery Division of the High Court of Justice in England in respect to the application to Parliament for that Act should not be transferred to or on the application of the depositors (as therein defined) unless the Company should previously to the expiration of the period limited by that Act for completion of the railways thereby authorised open the same for the conveyance of public traffic subject to the provisions for the re-transfer from time to time to the depositors of

A.D. 1887.

portions of the said annuities in proportion to the length of the said railways from time to time opened for the conveyance of public traffic:

And whereas by section 95 of the Act of 1880 it was provided that if the Company did not previously to the expiration of the period limited as aforesaid for the completion of the railways by that Act authorised complete and open the same as aforesaid the railway deposit fund of 1880 or so much thereof as had not been transferred to the depositors should in the first instance be applicable towards compensating any landowners or other persons whose property might have been interfered with or injuriously affected and that any surplus remaining over after the satisfaction of the claims of such landowners or other persons should be either forfeited to Her Majesty or applied (if the Company were insolvent or a receiver were appointed) for the benefit of the creditors thereof:

And whereas it has been found unadvisable to construct the Railways Nos. 5A and 5B authorised by the Act of 1880 as designed and the Company have accordingly not completed the same and of the railway deposit fund of 1880 the sum of one thousand two hundred and ninety-three pounds Three Pounds per Centum Consolidated Bank Annuities (being the proportion of the said deposit fund in respect of the said Railways Nos. 5A and 5B) is forfeited or is liable to be forfeited and it is expedient that the said sum of one thousand two hundred and ninety-three pounds annuities should be repaid and transferred as herein-after provided:

And whereas it is expedient that the Company should be authorised to construct the railway by this Act authorised:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the west riding of the county of York 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may be cited as the Hull Barnsley and West Riding Junction Railway and Dock Act 1887.

Incorporation of Acts.

2. The clauses and provisions of the Lands Clauses Consolidation Act 1845 (except the provisions of the said Act of 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Recited Acts and this Act to be read as one Act.

4. The recited Acts as each is respectively amended by any subsequent Act or by this Act shall be read and construed with this Act as one Act.

Extending periods limited for purchase of lands for certain works authorised by Act of 1882.

5. The powers granted by the Act of 1882 as amended by the Act of 1885 for the compulsory taking and purchase of lands for the purposes of the following works authorised by the Act of 1882 namely:—

The whole of the Railway No. 5 authorised by the Act of 1882 and the new docks and works at Hull being works *A B C D* and *E* authorised by and described in part III. of section 4 of the Act of 1882

are hereby extended and may be exercised at any time within but shall not be exercised after the expiration of two years from the eighteenth day of August one thousand eight hundred and eighty-seven.

Extending period limited for completion of certain works authorised by Act of 1882.

6. The period limited by the Act of 1882 as amended by the Act of 1885 for the completion of the Railway No. 5 and the new docks and works at Hull mentioned in the last preceding section and authorised by the Act of 1882 is hereby extended for a period of two years from the eighteenth day of August one thousand eight hundred and ninety.

Company to abandon certain works

7. The Company shall abandon and relinquish the construction of the portion of Railway No. 1 authorised by the Act of 1882 to

A.D. 1887.

authorised by Act of 1882.

the westward of the junction therewith of Railway No. 1c authorised by the Act of 1882 and the whole of Railway No. 2 authorised by the Act of 1882.

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

8. The abandonment by the Company under the authority of this Act of any portion of any railway or works 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 Company 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 the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company 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 Acts of 1882 and 1885.

Compensation to be made in respect of works abandoned.

9. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Act the Company shall be released if they shall so elect from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands 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 provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of portion of deposit under Act of 1882.

10. In consideration of the foregoing provisions of this Act for compensation of landowners injuriously affected by any acts or defaults of the Company in respect of the railway and portion of railway authorised by the Act of 1882 which the Company are by this Act authorised to abandon the High Court of Justice at any time after the passing of this Act on the application of the depositors referred to in section 48 of the Act of 1882 or the survivors or survivor of them may and shall order that the sum of fifty-eight thousand and eighty-eight pounds Three Pounds per Centum Consolidated Bank Annuities portion of the annuities deposited as aforesaid in respect of the railways authorised by the Act of 1882

and the interest or dividends on such sum of fifty-eight thousand and eighty-eight pounds annuities shall be repaid and transferred to the said depositors or the survivors or survivor of them or as they or he may direct and on such order being made the said sum and the interest or dividends thereon shall be accordingly repaid and transferred to such depositors or the survivors or survivor of them or as they or he may direct.

Release of portion of deposit under Act of 1880.

11. Subject to the provisions of section 95 of the Act of 1880 relating to compensation to landowners and other persons injured and for the protection of creditors the High Court of Justice at any time after the passing of this Act on the application of the depositors referred to in section 94 of the Act of 1880 or of the survivors or survivor of them may and shall order that the sum of one thousand two hundred and ninety-three pounds Three Pounds per Centum Consolidated Bank Annuities part of the railway deposit fund of 1880 and the interest or dividends thereon shall be repaid and transferred to such depositors or the survivors or survivor of them or as they or he may direct and on such order being made the said sum of annuities and the interest or dividends thereon shall be accordingly repaid and transferred to such depositors or the survivors or survivor of them or as they or he may direct.

Power to construct works.

12. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels respectively shown on the deposited plans and sections the railway herein-after described with all necessary and convenient bridges viaducts rails sidings tunnels junctions stations approaches roads buildings yards and other works and conveniences connected therewith and may but by agreement only enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act is :—

A railway (on the deposited plans referred to as Railway No. 4) four furlongs and 4·90 chains or thereabouts in length situate wholly in the township of South Kirkby in the parish of South Kirkby in the west riding of the county of York commencing by a junction with the Railway No. 1 authorised by the Act of 1880 and terminating by a junction with the sidings of the South Kirkby Colliery Company at a point opposite or thereabouts to the working shaft of the said colliery.

Period for completion of works.

13. If the railway by this Act authorised is 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 Company for

A.D. 1887.

making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls on railway.

14. For the purposes of tolls rates charges and duties and for all other purposes whatsoever including the expense of construction the railway by this Act authorised shall be deemed to be part of the railways of the Company authorised by the Act of 1880.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water 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.

Restrictions on displacing persons of labouring class.

16.—(1.) The Company shall not under the powers of this Act or the Act of 1882 or the Act of 1885 as extended by this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of the Act of 1885 have been or on the fifteenth day of December one thousand eight hundred and eighty-four were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They 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 fifteenth day of December one thousand eight hundred and eighty-four 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.) They 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

A.D. 1887.

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:

(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 conditions subject to which the Local Government Board may have approved of any scheme under this section 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 of Justice:

(5.) If the Company 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 such 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 of Justice 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 Company 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 Company for the purposes of any scheme under this section in the same manner in all respects as if the Company 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 Company 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

A.D. 1887.

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:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of 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.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section:

(9.) The Local Government Board may direct any inquiries to be held by their inspectors 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 Company 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.) The expression "labouring class" in this section includes 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.

Deposit money not to be repaid

17. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her

A.D. 1887.

except so far as railway opened.

present Majesty chapter twenty a sum of three hundred and ninety-one pounds eleven shillings and twopence being equal to five per centum upon the amount of the estimate in respect of the railway authorised by this Act has been deposited with the Paymaster General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for public traffic Provided that if within such period as aforesaid the Company open any portion of the railway for the conveyance of public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of railway so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors or the majority of them or the executors or administrators of the survivor of them order the portion of the deposit fund specified in the certificate to be paid or transferred to the persons making such application or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

18. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the conveyance of public traffic then and in every such case the deposit fund or so much thereof as shall not have been paid or transferred to the depositors 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 or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or

A.D. 1887.

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 of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors as aforesaid or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Provision for return of deposit.

19. The High Court of Justice may and shall at any time on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty chapter twenty or of the survivors or survivor of them or of the majority of such persons or survivors or the legal personal representatives of the last survivor and on the production of a certificate to be obtained from the Board of Trade that the Company were prevented by the want of powers to enter upon take and use lands compulsorily for the purposes of the railway from making such railway without incurring unreasonable delay inconvenience or expense order that the deposit fund and the interest or dividends thereon may be paid or transferred to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf.

Power to hold lands acquired under Act of 1882 for purposes of Act of 1880 &c.

20. The Company may hold and use for the purpose of the works authorised by the Act of 1880 or the general purposes of their undertaking the lands mentioned in the agreement dated the fifteenth day of September one thousand eight hundred and seventy-nine between the corporation of Kingston-upon-Hull of the one part and Gerard Smith and others of the other part scheduled to and confirmed by the Act of 1880 and described in Article 9 of the said

agreement as "the easternmost piece of land retained by the corporation" and which lands the Company were authorised to acquire by the Act of 1882.

Provisions for protection of the Corporation of Hull.

21. The following provisions shall have effect for the protection of the mayor aldermen and burgesses of the borough of Kingston-upon-Hull (in this section referred to as "the corporation"):—

(1.) Nothing in this Act contained shall in any way prejudice or affect any provisions for the protection of the corporation contained in the Act of 1882 or in an agreement entered into between the Company of the first part and the corporation and certain persons acting as trustees under an Act of Parliament for draining certain low grounds in Holderness of the second part and dated the twenty-sixth day of June one thousand eight hundred and eighty-two or in any way relieve the Company from any obligations thereby imposed on them and such obligations shall remain binding on and be fulfilled by the Company as though this Act had not been passed.

(2.) In the event of any part of the land known as the eastern reservation and described in the agreement scheduled to the Act of 1880 as being land and foreshore retained by the corporation and marked D to E upon the plan referred to in such agreement and also so much of the said river bed as extended along the entire front of the said land and foreshore down to the river line marked out and adopted by the Humber Conservancy Commissioners being taken or used by the Company for the purposes of the works authorised by the Act of 1880 or the general purposes of their undertaking the following provisions shall have effect:—

(A.) The corporation may construct an outfall sewer (hereinafter referred to as "the said sewer") of a sectional area equal to a circle six feet six inches in diameter from the Hedon Road through the said land known as the eastern reservation to the River Humber including all requisite bell-mouths and junctions for connecting present or future sewers therewith and all requisite penstocks tidal gates and other outfall works and connect the said sewer with the gaol outfall sewer already constructed by the Company and the costs of making such connexion and so much of the costs of constructing the said sewer and works as would have been incurred in constructing a sewer of three feet three inches in diameter and works incidental thereto shall be paid by the Company:

A.D. 1887.

(B.) The Company shall make such alterations in the conduit constructed by them across the said land known as the eastern reservation as may be requisite to enable the said sewer and works to be properly constructed at the requisite depth and with a uniform inclination and shall also protect the said sewer and works from any damage which may be caused by reason of the said conduit and in the event of the Company failing to make any required alterations in the said conduit at such times as the corporation may require such alterations to be made for the purpose of enabling them to construct the said sewer and works the corporation may execute the said alterations and charge the Company with the cost of the same:

(C.) The Company shall pay to the corporation the cost of any additional work which may be rendered necessary in the construction of the said sewer and works by reason of the ground not being levelled filled in and embanked:

(D.) The said sewer and works when completed shall be the exclusive property of the corporation who shall maintain and keep the same in repair and the Company shall at all reasonable times permit the corporation their engineers officers and workmen without the payment of compensation to enter upon any lands and property of the Company through or under which any portion of the said sewer and works may be constructed for the purpose of cleansing repairing maintaining or altering the same or for forming communications or connecting other sewers therewith:

(E.) If the Company at any time find it necessary to interfere with the said sewer or works for any purpose authorised by the Act of 1882 the Company shall before interfering with the said sewer or works construct the diversion of the same and other works connected therewith specified in the Act of 1882 and the said agreement dated the twenty-sixth day of June one thousand eight hundred and eighty-two and also remove and re-erect to the satisfaction of the corporation on the site and substructures to be provided by the Company under the Act of 1882 all such buildings boilers engines pumps and works as may have been erected by the corporation for the purpose of the pumping station or in connexion with such pumping station and the said sewer and works and such diversion buildings boilers engines pumps and works shall be delivered over to the corporation in complete working order and to their satis-

faction And the Company shall repay to the corporation so much of the cost of the said sewer and the works in connexion therewith so authorised to be removed by the Company as may have been paid by the corporation in accordance with the provisions of subsection (A) of this section :

(F.) The Company shall construct within six years after the passing of this Act to the satisfaction of the corporation at or near the eastern extremity of the said land known as the eastern reservation a carriage road or approach thirty-five feet wide from the Hedon Road to the footway to be constructed by them on the river face of the embankment with footways seven feet six inches in width on each side of the same The said carriageway shall be properly formed macadamised and channelled and drained into the said sewer and the said footways shall be flagged and curbed and the Company shall provide in connexion with such road and adjoining the same an open space thirty yards wide having an uninterrupted frontage of sixty yards to the footpath on the river face of the embankment and convey the same together with the footpath embankment and land intervening between such open space and the said Humber Conservancy line to the corporation and shall construct a landing-place with proper and sufficient steps opposite the same which shall be available for persons landing thereat or embarking therefrom at all states of the tide and the Company shall not take or demand any toll or make any charge for the use of such landing-place for the landing or embarking of any passengers or their luggage thereat or thereon Such road open space and landing-place shall be accepted by the corporation as the road open space and landing-place to be constructed or formed under section 6 subsection 3 of the Act of 1882 except as regards the movable bridge therein mentioned Such road shall upon being completed to the satisfaction of the corporation vest in and be accepted and maintained by them as a public highway and the same shall supersede the eastern access to the embankment along the River Humber to be provided under the said agreement scheduled to the Act of 1880:

(G.) The Company shall afford a supply of water to the corporation from the Alexandra Dock and from any docks hereafter constructed by the Company for the purpose of flushing and cleansing the said sewer and the Company

A.D. 1887.

shall construct in through upon or over their lands and in connexion with their dock such works as may be necessary for affording and controlling such supply and such works shall be constructed in such situations and in such manner as will afford a sufficient and convenient discharge of water into the said sewer Provided that the corporation before taking any water from any dock of the Company shall give at least twenty-four hours notice in writing to the Company of their intention to take such water.

(3.) The Company shall notwithstanding the provisions of the seventy-sixth section of the Act of 1882 construct and maintain sufficient works to protect the said road and the said sewer from the Humber to the satisfaction of a surveyor to be appointed by the Board of Trade in case the parties differ.

(4.) Notwithstanding anything in this Act or any other Act affecting the Company contained the Company shall not take or purchase compulsorily so much of the said land known as the eastern reservation as is included within a strip eight feet wide lying alongside of and abutting on the Hedon Road and the Company shall if required sell to the corporation for the purpose of widening the said Hedon Road a strip of their land eight feet wide lying alongside of and abutting on the said Hedon Road and extending the whole length of the frontage of the Company's land to the said road (except for a distance of one hundred and ten feet where the railway bridge over the said Hedon Road and the entrance to the dock intervene) from the said land known as the eastern reservation to the land of the corporation known as the western reservation.

(5.) Nothing in this Act contained shall authorise the Company to acquire compulsorily the northern portion of the said land known as the eastern reservation bounded on the north by the said Hedon Road and on the east by the said road to be constructed by the Company and extending southward from the said Hedon Road a distance of two hundred and fifty feet.

(6.) Except as is by this Act expressly provided nothing in this Act shall extend or be construed to extend to take away lessen prejudice alter or affect any of the estates rights privileges powers authorities or jurisdiction vested in exercised or enjoyed by the corporation.

Reduction of capital.

22. Section 59 and section 65 of the Act of 1882 shall be read and have effect as if the sums of one million five hundred thousand pounds and five hundred thousand pounds had been respectively

mentioned therein instead of the sums of two million four hundred thousand pounds and eight hundred thousand pounds in those sections respectively mentioned.

Power to apply money.

23. The Company subject to the provisions of this Act with respect to the reduction of capital may for any of the purposes of this Act to which capital is properly applicable apply any moneys which by any previous Act or Acts they are authorised to raise by shares stock debenture stock or borrowing and which are not by the Act or Acts under which they are authorised to be raised made applicable to any special purpose or being so made applicable are not required for such special purpose.

Provision as to general Railway Acts.

24. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

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

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