CHAPTER xxx.

An Act for extending the time limited for the construction by the Hull Barnsley and West Riding Junction Railway and Dock Company of certain of their authorised works and for conferring further powers upon the Company and amending the Acts relating to them. A.D. 1894.

[18th June 1894.]

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 of making and maintaining certain railways and a dock and other works in the East and West Ridings of the county of York and in the town and county of the town of Kingston-upon-Hull:

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 (amongst other works) certain works included in that Act under the heading of and in this Act referred to as "the new docks and works at Hull" and by that Act which received the Royal Assent on the eighteenth day of August one thousand eight hundred and eighty-two the periods for the compulsory purchase of lands for and for the completion of the new docks and works at Hull were respectively limited to five years and eight years from the passing of that Act:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1887 (in this Act called "the Act of 1887") the periods limited by the Act of 1882 for the compulsory purchase of lands for and for the completion of the new docks and works at Hull were respectively extended for two years from the eighteenth day of August one thousand eight hundred and eighty-seven and

A.D. 1894.

two years from the eighteenth day of August one thousand eight hundred and ninety:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1890 (in this Act called "the Act of 1890") the powers granted by the Act of 1882 for the compulsory purchase of lands for the purposes of the new docks and works at Hull were revived and extended for two years from the passing of that Act and the period limited for the completion of the said docks and works was further extended for two years from the eighteenth day of August one thousand eight hundred and ninety-two:

And whereas the Company have acquired the lands necessary for the construction of the new docks and works at Hull but have not commenced the construction of the works and it is expedient that the time for the completion of those works be further extended:

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

And whereas it is expedient that the Company be authorised to purchase and acquire additional lands at Anlaby for the purpose of constructing sidings and for the general purposes of their undertaking:

And whereas by section 3 of the Hull Barnsley and West Riding Junction Railway and Dock Act 1889 (in this Act called "the Act of 1889") debenture stock of the Company (therein and herein-after referred to as "second debenture stock") was created of the nominal amount of two million pounds of which stock in a certain event which has happened part was by the said Act vested in holders of mortgages debenture stock and Lloyd's bonds of the Company and the balance of the said stock or the proceeds thereof were made applicable only for certain purposes therein specified:

And whereas by the Act of 1890 the ultimate balance of the said stock after satisfying those purposes so specifically mentioned in the Act of 1889 (in the Act of 1890 and herein-after referred to as "the ultimate balance of the second debenture stock") was authorised (section 15) as to thirty thousand pounds part thereof to be carried to a guarantee fund thereby created or to a separate fund for securing the payment of the interest on the Company's first or second debenture stocks but it was provided (section 16) that in a certain event which has happened such thirty thousand pounds of the ultimate balance of the second debenture stock or the proceeds thereof which might have been carried to the credit of such guarantee fund or to a separate fund under the provisions of that

Act should be carried in the books and accounts of the Company to the credit of capital and might be dealt with and applied by the directors for the general purposes of the undertaking of the Company to which capital should be properly applicable and by section 17 of the same Act it was provided that the directors might apply to the general purposes of the undertaking of the Company the ultimate balance of the second debenture stock and of the proceeds of the last-mentioned balance of stock:

And whereas by section 11 of the Act of 1889 the Company are prohibited from issuing so much of the second debenture stock as was not thereby vested in the holders of mortgages debenture stock or Lloyd's bonds of the Company except at or above par and by reason of that prohibition the Company have been and are unable to issue the balance now remaining unissued of the said stock amounting to thirty thousand six hundred and eighty-one pounds and it is expedient that such prohibition be removed:

And whereas of the second debenture stock one million nine hundred and sixty-eight thousand and sixty-nine pounds vested or was issued on the first day of October one thousand eight hundred and eighty-nine and it is desirable that the whole of the second debenture stock should rank for the contingent additional rates of interest referred to in section 8 of the Act of 1889 as from the said first day of October one thousand eight hundred and eighty-nine:

And whereas it is expedient to remove doubts which have arisen as to the effect in certain respects of sections 114 to 118 of the Act of 1880:

And whereas a plan showing the lands to be purchased or acquired compulsorily under the powers of this Act and a book of reference to the said plan containing the names of the owners or reputed owners and of the lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the East Riding of the county of York and are herein-after referred to respectively as "the deposited plan and book of reference":

And whereas the objects 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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Hull Barnsley and West Riding Junction Railway and Dock Act 1894.

A.D. 1894.

Incorporation of general Acts.

2. The following enactments (so far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) are incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts; and

Part II (relating to extension of time) of the Railways Clauses Act 1863.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated with this Act 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 any Act wholly or in part 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.

Further extending period for completion of docks and works at Hull authorised by Act of 1882.

4. The period limited by the Act of 1882 as amended by the Act of 1887 and the Act of 1890 for the completion of the following works authorised by the Act of 1882 namely:—

The new docks and works at Hull being works (*a*) (*b*) (*c*) (*d*) and (*e*) authorised by section 4 of the Act of 1882 and described in Part III of that section

is hereby further extended for a period of four years from the eighteenth day of August one thousand eight hundred and ninety-four.

Extending period for sale of superfluous lands.

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

Power to purchase additional lands.

6. Subject to the provisions of this Act the Company may for the purpose of constructing sidings and for the general purposes of their undertaking enter upon take and use all or any of the following lands shown on the deposited plan and described in the deposited book of reference (that is to say):—

Certain lands in the township of Anlaby in the parish of Kirk-Ella in the East Riding of the county of York situate on the south side of and adjoining the Company's railway and land and near to the Company's engine sheds and works at Spring Head.

Restriction on taking houses of labouring class.

7. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor except with the consent of the Local Government Board ten or more houses in any city borough or urban sanitary district or any parish or part of a parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade on 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 such persons who may be residing with them.

Period for compulsory purchase of lands.

8. The powers of the 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.

Power to apply funds.

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

Company may issue balance of second debenture stock at discount.

10. So much of section 11 (the marginal note whereof is "Application of second debenture stock or proceeds thereof") of the Act of 1889 as requires the Company to issue the balance

A.D. 1894.

remaining unvested or unissued of the second debenture stock created by the Act of 1889 at or above par is hereby repealed.

All second debenture stock to rank for contingent additional rates of interest.

11. Notwithstanding anything contained in the Act of 1889 or the Act of 1890 all the Company's second debenture stock already vested or issued or to be issued shall whatever the date of vesting or issue rank for the contingent additional rates of interest referred to in section 8 of the Act of 1889 as if the same had vested or been issued on the first day of October one thousand eight hundred and eighty-nine.

Extending powers of sections 114 to 118 of Act of 1880.

12. The provisions of sections 114 to 118 of the Act of 1880 shall from and after the passing of this Act extend to and apply in the case of any quays wharves docks or other works buildings or conveniences constructed or provided by the Company in connection with their Alexandra Dock Estate at Hull under any powers enabling them in that behalf or to any services rendered at any such quays wharves docks works buildings or conveniences or in connexion with the shipping unshipping warehousing or depositing of goods thereat or thereon as fully as if the same had been part of the dock or works authorised by the Act of 1880.

Interest not to be paid on calls paid up.

13. No interest or dividend shall be paid out of any money by this Act authorised to be raised to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

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

Provision as to general Railway Acts.

15. Nothing in this Act contained shall exempt the Company or their railway 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 now authorised to be taken by the Company. A.D. 1894.

Costs of Act.

16. 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.

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