ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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Cap. lxiv.

An Act to extend the Time for the Purchase of Lands for and the Construction of the Railways authorized by the *Lancashire and Yorkshire* Railway (*Ripponden* and *Stainland* Branches, *&c.*) Act, 1865; to empower the *Lancashire and Yorkshire* Railway Company to subscribe to the *Hull* Docks; and for other Purposes.

[25th *June* 1868.]

WHEREAS by the *Lancashire and Yorkshire* Railway (*Ripponden* and *Stainland* Branches, *&c.*) Act, 1865, (28 & 29 Vict. c. cccxxxii.) the *Lancashire and Yorkshire* Railway Company (in this Act called the Company) were empowered to construct Branch Railways to *Ripponden* and *Stainland:* And whereas it is expedient that the Company should be relieved from the Obligation to carry the Objects of the said Act into execution within the Time limited for such Purpose, and that an extended Period should be allowed for executing the Purposes of the said Act: And whereas under the *North-eastern* Railway Company's *Hull and Doncaster* Branch Act, 1863, (26 & 27 Vict. c. ccxxxviii.) and an Agreement between the Company and the *North-eastern* Railway Company thereby confirmed, the Company are entitled to such Rights and Facilities in and at the Station of the

North-eastern Railway Company at *Kingston-upon-Hull* as are thereby provided: And whereas by the *North-eastern* Railway Company's (*Pelaw* and other Branches) Act, 1865, the *North-eastern* Railway Company were empowered to subscribe towards and take and hold Shares in the Undertaking of the Dock Company at *Kingston-upon-Hull*, and it is expedient that Powers to subscribe towards and take and hold Shares in the said Undertaking should be conferred on the Company, and that they should be authorized to raise additional Capital for that Purpose: And whereas it is expedient that the Time limited for the Sale by the Company of superfluous Lands acquired and held by them should be extended: And whereas by Section Thirty-eight of the *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859, Provision is made for the Reduction of the Number of Directors of the *Lancashire and Yorkshire* Railway Company as therein mentioned, but the said Act contains no Provision for reducing the Number of Directors necessary to constitute a Quorum, and it is expedient that Provision should be made for that Purpose: 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:

28 & 29 Vict. c. cxi.

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Lancashire and Yorkshire* Railway (Extension of Time, *&c.*) Act, 1868."

Parts of 26 & 27 Vict. cc. 92. & 118. incorporated.

2. Part II. (relating to Extension of Time) of the Railways Clauses Act, 1863, Part I. (relating to the Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of the Companies Clauses Act, 1863, shall extend and apply to the Company, and to the additional Capital which they are by this Act authorized to raise.

Certain Provisions of 8 & 9 Vict. c. 16. applied to this Act.

3. Subject to the Provisions of this Act, all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following Matters, (that is to say,)

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls, and the Merger and Re-issue of forfeited Shares;

With

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the Consolidation of Shares into Stock; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested,

shall be applicable to the Capital and Monies by this Act authorized to be raised by Shares, and to the Proprietors thereof.

Interpretation of Terms.

4. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the *Lancashire and Yorkshire* Railway Company; the Expression "the Act of 1865" shall mean the *Lancashire and Yorkshire* Railway (*Ripponden* and *Stainland* Branches, *&c.*) Act, 1865; and 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 common Simple Contract Debt, and not a Debt or Demand created by Statute.

Extension of Time for the Purchase of Lands.

5. The Powers for the compulsory Purchase of Lands granted by the Act of 1865 for the Purposes of the Railways by that Act authorized are hereby extended to the Fifth Day of *July* One thousand eight hundred and seventy, and on the Expiration of that Period such Powers shall cease.

Extension of Time for Completion of Railways.

6. The Time granted by the Act of 1865 for the Construction and Completion of the Railways by that Act authorized is hereby extended to the Fifth Day of *July* One thousand eight hundred and seventy-two, and Section Nineteen of the Act of 1865 is hereby repealed.

Imposing Penalties unless Line be opened.

7. If the Company fail within the Period limited by this Act to complete the Railways the Time for completing which is by this Act extended, the 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 said Railways are completed and opened for public Traffic, or until the Sum received in respect of such Penalty shall amount to Five *per Centum* on the estimated Cost thereof, and the said Penalty may be applied for by any Landowner or other Person claiming to be compensated in accordance with the Provisions of the next following Section of this Act, and in the same Manner as the Penalty provided in the Third Section of the Act Seventeen and

Eighteen

Eighteen *Victoria*, Chapter Thirty-one, known as 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 specified in the said Third Section of the Act Seventeen and Eighteen *Victoria*, Chapter Thirty-one, to an Account opened or to be opened in the Name and with the Privity of the Accountant General of the Court of Chancery in *England* in the Bank named in such Order, and shall not be paid thereout except as herein-after provided; but no Penalty shall accrue in respect of any Time during which the Company was prevented from completing or opening the Railways respectively by unforeseen Accident, or Circumstances beyond their Control, of which Prevention and of the Time for which it may have endured the Certificate of the Board of Trade shall be sufficient Evidence, and that Board upon Production of such Proof as they shall deem sufficient shall grant such Certificates accordingly, provided that Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Providing for Application of Penalty in Compensation to Parties injured.

8. 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 may have been interfered with or otherwise rendered less valuable by the Commencement, Construction, or Abandonment of the said Railways respectively, or any Portion thereof, or who may have been subjected to Injury or Loss in consequence of the compulsory Powers of taking Property conferred upon the Company by the Act of 1865 and extended by this Act, and for which Injury or Loss no Compensation or inadequate Compensation shall have been paid, and shall be distributed in satisfaction of such Compensation as aforesaid in such Manner and in such Proportions as to the Court of Chancery in *England* may seem fit; and if no such Compensation shall be payable, or if a Portion of the Sum or Sums of Money so recovered by way of Penalty as aforesaid shall have 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 be paid to the Company.

On Expiration of Time limited for Completion of Railways Powers to cease.

9. If the Railways the Time for completing which is by this Act extended shall not be completed within the Period limited by this Act, then on the Expiration of such Period the Powers by this Act granted to the Company for making and completing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

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Power to Company to subscribe to Hull Docks.

10. The Company may, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Company specially convened for the Purpose, from Time to Time subscribe towards and become Shareholders in the Undertaking of the Dock Company at *Kingston-upon-Hull* (herein-after called the Dock Company) to any Extent not exceeding Fifty thousand Pounds, and shall in respect of the Money thus subscribed, and the Shares or Stock in the Dock Company representing that Money which shall from Time to Time be held by the Company, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings which shall be regulated by the special Provisions herein-after contained), and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Dock Company: Provided always, that the Company shall not sell or dispose of any Shares or Stock in the Undertaking of the Dock Company which may be acquired by them under the Authority of this Act.

Company may nominate Director of Dock Company.

11. The Company from Time to Time may nominate One of their Directors to be a Director of the Dock Company in respect of their Subscription of Fifty thousand Pounds to the Capital of the Dock Company, and every such Nomination shall be made in Writing under Seal, and shall be deposited with the Secretary of the Dock Company, and may in like Manner be revoked and renewed; and so long as any such Director from Time to Time remains in Office the Number of the Directors of the Dock Company shall, subject as after mentioned, be Thirteen, namely, the Chairman and Deputy Chairman for the Time being of the Dock Company, the Nine Directors appointed by the Proprietors of the Dock Company, the Director appointed by the *North-eastern* Railway Company, and the Director appointed by the Company; and every Director so appointed by the Company shall enter upon Office immediately upon his Appointment, and shall remain in Office until his Appointment be revoked, or until he die or resign, and need not be a Shareholder in the Dock Company: Provided always, that nothing herein contained shall prejudice the Powers of the Dock Company to reduce the Number of Directors appointed by their Proprietors.

Company may nominate Person to vote at Meetings of Dock Company.

12. The Directors of the Company when and so long as the Company are Shareholders in the Capital of the Dock Company may from Time to Time nominate (such Nomination to be signified in Writing under the Hand of the Chairman or Secretary of the Company) some Person to attend on behalf of the Company any Meeting of the Dock Company, and every such Person shall (except as to the Appointment of Directors of the Dock Company) have all the Privileges

Privileges and Powers attaching to other Shareholders at such Meetings, and may vote thereat in respect of the Capital held by the Company in the Undertaking of the Dock Company: Provided always, that the Number of Votes to which the Company shall be entitled in respect of their Subscription towards the Capital of the Dock Company shall not exceed Five hundred.

Power to raise additional Money.

13. The Company from Time to Time for the Purposes of their Subscription to the Dock Company may raise by the Creation and Issue of Shares such Sums of Money as they shall think necessary, not exceeding Fifty thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament; and the Company may create and issue such Shares either wholly or partially as ordinary or wholly or partially as preferential Shares, as they may think fit.

Shares not to issue unless and until One Fifth paid up.

14. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum, not being less than One Fifth of the Amount of such Share, shall have been paid in respect thereof.

Qualifications of new Shares.

15. Except as by or under the Powers of this Act otherwise provided, the new Shares issued under the Powers of this Act shall, in proportion to the aggregate Amount thereof from Time to Time held by the same Person at the same Time, entitle the respective Holders thereof to the same Dividends and Profits, and confer on them the like Qualifications and the like Right of voting, as the like Amount of existing Ordinary Shares or Stock of the Company.

Power to raise Capital under any other Act of this Session and this Act by new Shares of one Class.

16. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of new Shares of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Application of Monies.

17. All Monies which the Company may raise under the Powers of this Act shall be applied for the Purposes of the before-mentioned Contribution only.

Power to apply corporate Funds to Purposes of Act.

18. The Company may apply to the Purposes of the before-mentioned Contribution any of the Monies which they now have in their Hands,

Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Extension of Time for Sale of superfluous Lands.

19. The Period limited for the Sale of all superfluous Lands belonging to the Company is hereby extended for Ten Years from and after the passing of this Act, and it shall be lawful for the Company to hold the said Lands for such additional Period; and the Company shall within Ten Years from the passing of this Act absolutely sell and dispose of all the Lands which have been acquired by them for any of their Undertakings, or for any of the Purposes of the Company, and which are not required for any of the Undertakings or Purposes of the Company.

Reducing Quorum of Directors.

20. Notwithstanding anything in Section Thirty-seven of the *Lancashire and Yorkshire* and *East Lancashire* Railways Amalgamation Act, 1859, contained, the Number of Directors of the Company necessary to constitute a Quorum shall be Four.

Interest not to be paid on Calls paid up.

21. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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.

22. The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

23. Nothing herein contained shall be deemed or construed to exempt the Railways of 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 authorized by any Act relating to the Company.

24. All

Expenses of Act.

24. 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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