



CHAPTER xcvi.

An Act to authorise the Hull Barnsley and West Riding Junction Railway and Dock Company to abandon certain works authorised by the Hull Barnsley and West Riding Junction Railway and Dock (Various Powers) Act 1883 to raise further money by preference shares or stock and for other purposes. A.D. 1886.
[25th June 1886.]

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 (amongst other things) 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 extend their railways to Huddersfield and Halifax and to execute certain further works in connexion with those authorised by the Act of 1880 and to raise further capital amounting to two million four hundred thousand pounds and to borrow eight hundred thousand pounds:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock (Various Powers) Act 1883 (in this Act called "the Act of 1883") the Company were authorised (amongst other things) to raise any additional sum or sums not exceeding in the whole six hundred thousand pounds by new ordinary shares or stock or new preference shares or stock and to borrow on mortgage further sums not exceeding in the whole two hundred thousand pounds:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1884 and the Hull Barnsley and West

A.D. 1886. Riding Junction Railway and Dock Act 1885 further powers were conferred upon the Company and the aforesaid Acts of 1880 and 1882 were in some respects amended but no further money powers were granted to the Company:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock (Money) Act 1884 (herein-after called "the Money Act of 1884") the Company were empowered to borrow on mortgage in addition to any sum or sums which they were by the Acts of 1880 1882 and 1883 authorised to borrow any sums not exceeding in the whole one million five hundred thousand pounds and it was provided by that Act that all money raised thereunder should be applied only for the purposes to which capital was properly applicable of the works authorised by the Act of 1880 and of the works authorised by the Acts of 1882 and 1883 in connexion with such first-mentioned works but should not be applied in or towards the construction of the Company's authorised extensions to Halifax and Huddersfield:

And whereas the last-mentioned sum of one million five hundred thousand pounds has been duly raised by mortgages and debenture stock and the principal works authorised by the said Act of 1880 have recently been completed and opened for public traffic:

And whereas by the Act of 1883 the Company were authorised to construct new railways a new street and other works:

And whereas the Company have been and are unable to raise the necessary funds for the construction of the works herein-after described authorised by the Act of 1883 and it is expedient that the Company should be authorised to abandon such works:

And whereas by section 21 of the Act of 1883 it was provided that the sum of twenty thousand and sixty-eight pounds ten shillings and five pence (herein-after referred to as "the railway deposit fund") part of the sum of twenty thousand three hundred and six pounds four shillings and one penny 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 thereof unless the Company should previously to the expiration of the period limited by the said Act for the completion of the railways by that Act authorised open the same for the public conveyance of passengers subject to a proviso for the retransfer from time to time to the depositors of portions of the railway deposit fund in proportion to the length of the said railways from time to time open for public conveyance of passengers:

And whereas by section 22 of the Act of 1883 it was provided that if the Company did not previously to the expiration of the

period so limited as aforesaid open the railways by that Act A.D. 1886. authorised the railway deposit fund or so much thereof as should not have been transferred to the depositors should in the first instance be applicable towards compensating landowners and other persons whose property had 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 either be forfeited to Her Majesty or applied (if the Company were insolvent) for the benefit of the creditors thereof:

And whereas the Company have completed the whole of the railways and railway works authorised by the Act of 1883 except that part of the Railway No. 1 authorised by that Act which is by this Act authorised to be abandoned and have opened the said railways (except as aforesaid) for the public conveyance of traffic and it is expedient that provision should be made for the repayment or retransfer as herein-after provided of the railway deposit fund:

And whereas the Company have raised the whole of their authorised share capital under the Act of 1880 and have borrowed on mortgage under the powers of that Act the sum of nine hundred and sixty thousand pounds but have been unable to raise their authorised share capital under the Acts of 1882 and 1883:

And whereas the Company have not issued any preference shares or preference stock or (save under the powers of the Money Act of 1884 as aforesaid) any debenture stock:

And whereas the traffic of the Company has been only partially developed and their net revenue although likely to increase has hitherto been insufficient and may probably be for some further period insufficient to enable them to pay in full the interest on their debentures and debenture stock and the Company also require further money to meet their outstanding liabilities in respect of the purchase of their present rolling stock and for purchasing additional rolling stock required for the efficient working of their railways and for other outstanding liabilities connected with their undertaking and for the construction of warehouses and appliances in connexion with their docks at Hull:

And whereas it is expedient in order to enable the Company to raise such money that the Company be authorised to create and issue preference shares or preference stock with dividends accumulating over a limited number of years as herein-after provided:

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

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Junction Railway and Dock Act, 1886.

A.D. 1886. 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 1886.

Incorporation of Acts. 2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act; and Parts I. and II. (relating respectively to cancellation and surrender of shares and to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (so far as the same are applicable and 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.

Company to abandon portion of Railway No. 1 new street and certain other works authorised by Act of 1883.

4. The Company shall abandon and relinquish the construction of (a) so much of the Railway No. 1 authorised by the Act of 1883 as on the plans deposited for and referred to in that Act is shown as lying or intended to lie to the southward of the north side of Cannon Street in the township and parish of Sculcoates in the borough and county of the town of Kingston-upon-Hull and (b) the new street in the same township and parish described in and authorised by the said Act and (c) all other works authorised or

required to be constructed by the said Act which are or were .A.D. 1886.
 incidental to the portion of railway and street so to be abandoned.

5. 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 Act of 1883.

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

6. 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 but nothing in this section contained shall alter prejudice or affect the agreement dated the 9th day of October 1883 made between the trustees of Sir John Lister's charity by their agent Richard George Smith of the borough of Kingston-upon-Hull architect of the one part and the Company by their agent William Sissons of the borough of Kingston-upon-Hull land surveyor and valuer of the other part or anything done thereunder and the said agreement shall remain in full force validity and effect as if this Act had not been passed.

Compensation to be made in respect of works abandoned.

7. Sections 21 and 22 of the Act of 1883 shall be read and have effect as if the word "traffic" had been inserted therein in lieu of the word "passengers" wherever such last-mentioned word occurs therein and in consideration thereof and of the foregoing provisions of this Act for the compensation of landowners injuriously affected

Providing for release of deposit.

A.D. 1886. by any act of the Company in respect of the portion of railway by this Act authorised to be abandoned the Chancery Division of the High Court of Justice in England at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order mentioned in the twenty-first section of the Act of 1883 or the survivors or survivor of them or the executors or administrators of such survivor by petition in a summary way may and shall order that the sum of twenty thousand and sixty-eight pounds ten shillings and fivepence (being the railway deposit fund mentioned in the Act of 1883) and the interest or dividends thereon or the securities upon which the same may have been or may be invested shall 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 and upon such order being made the said sum of twenty thousand and sixty-eight pounds ten shillings and fivepence and the interest or dividends thereon and the securities aforesaid shall be paid or transferred to such person or persons accordingly.

Extinguishing money powers under Act of 1883. 8. The powers by the Act of 1883 granted to the Company of raising money by shares stock or by borrowing and of creating debenture stock are hereby extinguished.

Power to create preference shares or stock. 9. The Company may from time to time create and issue preference shares or preference stock to such nominal amount as shall be sufficient to produce at the price at which the same are issued the sum of five hundred thousand pounds: Provided always that no such shares or stock shall be issued at a price lower than at the rate of ninety pounds cash for every one hundred pounds of the nominal value thereof.

As to dividend on preference shares or stock. 10. The preferential dividend on shares or stock created by the Company under this Act shall be at such rate not exceeding six pounds per centum per annum as the Company may determine and notwithstanding anything in section 14 of the Companies Clauses Act 1863 if there are not during any of the first seven years after the issue of any shares or stock under this Act profits available for the payment of the full amount of the preferential dividend on such shares or stock the deficiency may be made good out of the profits of any subsequent year or years.

Shares not to be issued till one-fifth paid. 11. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the price at which such share was issued is paid in respect thereof.

12. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. A.D. 1886.
Calls.

13. The Company may attach to any preference shares or stock issued under this Act such conditions with respect to voting qualifications and other matters as they from time to time think fit to declare before issuing the same. Conditions
of shares or
stock.

14. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in
case of
persons not
sui juris.

15. All money raised under this Act shall be applied by the Company to the following and not to any other purposes that is to say :— Application
of money.

- (1) The payment of the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto ;
- (2) The payment of interest already due or to become due upon any debentures or debenture stock of the Company for the time being but not exceeding in the whole one hundred and eighty thousand pounds ;
- (3) The discharge of the liabilities of the Company outstanding at the passing of this Act in respect of rolling stock and to the purchase from time to time of such new or further rolling stock as may be necessary for the efficient working of the railways of the Company ;
- (4) The payment of purchase or compensation money for or in respect of any lands acquired or to be acquired for the purposes of the undertaking of the Company and any interest due or to become due upon such moneys and the costs charges and expenses attending the acquisition of such lands ;
- (5) The payment of any expenses incurred or to be incurred by the Company in and about the construction of warehouses storehouses sheds and other buildings and erections and appliances in connexion with their docks at Hull ;
- (6) And in the event of there being any surplus remaining after satisfying the above objects the payment of the debts of the Company outstanding at the passing of this Act on account of works executed or otherwise in connexion with their undertaking.

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Junction Railway and Dock Act, 1886.

A.D. 1886.

As to
mortgages
granted
under Money
Act of 1884.

16. Whereas the mortgages granted by virtue of the Money Act of 1884 by mistake are expressed to be granted by virtue of the Hull Barnsley and West Riding Junction Railway and Dock Act 1884 and purport to assign the tolls and sums of money arising by virtue of the last-mentioned Act and it is expedient that such mistake should be rectified be it enacted as follows:—

All mortgages expressed to be granted by the Company under the Hull Barnsley and West Riding Junction Railway and Dock Act 1884 shall be deemed and taken to have been granted under the Money Act of 1884 and the tolls and sums of money referred to in the said mortgages shall be deemed and taken to be the tolls and sums of money arising by virtue of the Act of 1880 and any subsequent Act of the Company.

Interest not
to be paid
on calls
paid up.

17. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

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

18. 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.

Provisions
as to general
railway Acts.

19. 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.

Costs of Act.

20. 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.