



CHAPTER cxcviii.

An Act for the amalgamation of the Undertaking of the Dock Company at Kingston-upon-Hull with the Undertaking of the North Eastern Railway Company and for other purposes. A.D. 1893.
[24th August 1893.]

WHEREAS the Dock Company at Kingston-upon-Hull (hereinafter called "the Dock Company") are the owners of an extensive system of docks basins wharves sheds railways or tramways warehouses offices and other buildings works and appliances and of a considerable quantity of land and other property at and near to Hull :

And whereas the North Eastern Railway Company (hereinafter called "the Railway Company") are the owners of the railways by means whereof railway access is afforded to and from the estate of the Dock Company :

And whereas the schedule to this Act contains a statement of the share and loan capital and of the temporary loans of the Dock Company :

And whereas it is expedient that the undertakings of the Railway Company and the Dock Company should be united and that those Companies should be amalgamated upon the terms and conditions in this Act contained and both Companies are desirous that such amalgamation should be effected :

And whereas the Railway Company the Lancashire and Yorkshire Railway Company and the Manchester Sheffield and Lincolnshire Railway Company respectively have under the authority of Parliament subscribed for and taken ordinary consolidated stock of the Dock Company to the amounts herein-after mentioned which stock they are prohibited from selling or disposing of (namely) :—

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	£	s.	d.
The Railway Company - - - - -	100,000	0	0
The Lancashire and Yorkshire Railway Company - - - - -	100,000	0	0
The Manchester Sheffield and Lincolnshire Railway Company - - - - -	50,000	0	0

and it is expedient to make provision as herein-after contained with reference thereto :

And whereas the objects aforesaid cannot be attained 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 North Eastern Railway (Hull Docks) Act 1893.

Incorporation of general Acts.

2. The following parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

Part V (relating to amalgamation) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The remedies of the creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The consolidation of shares into stock ;

The powers of the directors and the powers of the Company to be exercised only in general meeting ;

The making of dividends ;

The giving of notices ;

The provision to be made for affording access to the special Act :

And Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies

Clauses Act 1863 as amended by the Companies Clauses Act 1869 : A.D. 1893.

And for the purposes of this Act the Dock Company shall be deemed to be a Railway Company within the meaning of Part V of the Railways Clauses Act 1863.

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

The "Railway Company" means the North Eastern Railway Company as existing immediately before the date of amalgamation ;

The "Dock Company" and the "dock undertaking" mean respectively the Dock Company at Kingston-upon-Hull and the undertaking of that Company as existing immediately before the date of amalgamation ;

The "Company" means the Railway Company after the amalgamation therewith of the Dock Company under the authority of this Act ;

The "corporation" means the mayor aldermen and burgesses of the borough of Kingston-upon-Hull ;

The "Hull and Barnsley Company" means the Hull Barnsley and West Riding Junction Railway and Dock Company ;

The "two Companies" means the Company and the Hull and Barnsley Company :

And for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in any Act 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.

4. As on and from the first day of July one thousand eight hundred and ninety-three which date is in this Act referred to as "the date of amalgamation" and subject to the provisions of this Act the Dock Company shall be and is hereby dissolved and the undertaking of the Dock Company is hereby as from the date of amalgamation amalgamated with the undertaking of the Railway Company and thenceforward the two undertakings so amalgamated shall constitute one undertaking which shall be the undertaking of the Company : Dissolution of Dock Company and amalgamation with Railway Company.

A Queen's printers copy of this Act shall be chargeable with the same stamp duty as would be chargeable if the transaction effected by the Act were a transaction effected by an executed instrument in

A.D. 1893. writing and the copy were the instrument and that copy shall within three months from the date of amalgamation or from the passing of this Act whichever shall last happen be produced as such instrument to the Commissioners of Inland Revenue for their opinion as to the stamp duty chargeable thereon under the provisions of the Stamp Act 1891 and all the provisions of that Act shall apply thereto accordingly except that the Company if dissatisfied with the assessment of the Commissioners shall not be required to pay duty in conformity with such assessment as a condition of appeal to the High Court. Provided that in case of delay of payment under the above exception the amount of duty assessed or determined by the court to be chargeable shall be a debt due to Her Majesty and shall be paid with interest thereon at the rate of five pounds per centum per annum from the expiration of the said three months until the day of payment.

As to revenues &c. of Dock Company till amalgamation.

5. The Dock Company shall be entitled to all their revenue accruing up to the date of amalgamation and shall discharge all their contracts obligations debts and liabilities on revenue account up to that date.

Dock Company continued for certain purposes.

6. Notwithstanding the dissolution of the Dock Company the Dock Company shall continue in existence and the directors treasurer and secretary of the Dock Company may exercise all powers necessary for the purposes of collecting suing for and recovering all moneys and debts belonging to the Dock Company on revenue account and of satisfying the liabilities of the Dock Company on revenue account for the half-year ending on the thirtieth day of June one thousand eight hundred and ninety-three and of deciding upon the application and disposition of the surplus of the moneys at that date belonging to the Dock Company on that account after satisfying those liabilities and may have and exercise such of the powers of the Acts relating to the Dock Company as may be necessary for those purposes or any of them but not for any other purpose.

Limiting application of special Acts of Dock Company and Railway Company.

7. Notwithstanding the amalgamation of the undertaking of the Dock Company with the undertaking of the Railway Company—

- (i) None of the provisions of the Acts relating to the Dock Company which if the amalgamation had not taken place would apply exclusively to the undertaking of the Dock Company or to the Dock Company in respect thereof shall apply to any portion of the undertaking of the Company other than the dock undertaking or to the Company in respect thereof;

- (ii) None of the provisions of the said Acts relating to the constitution accounts or capital or to the appointment of an auditor by the Dock Company shall apply to the Company ;
- (iii) None of the provisions of the said Acts or of any other Acts relating to the directors of the Dock Company shall apply to the Company ;
- (iv) None of the provisions of the Acts relating to the Railway Company which if the amalgamation had not taken place would apply exclusively to the railway and the traffic thereon shall apply to the dock undertaking or to the Company in respect thereof.

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8. The Company shall not without the consent in writing of the corporation under their common seal at any time purchase or take on lease or amalgamate with or accept a transfer of the management or control of the Hull and Barnsley undertaking or any part thereof or enter into any joint purse arrangement with the Hull and Barnsley Company or make any application to Parliament for any such purpose Provided that any such consent shall not be arbitrarily or unreasonably withheld and in the event of any question arising between the Company and the corporation as to whether such consent was arbitrarily or unreasonably withheld such question shall be referred either to the Railway and Canal Commission or to the Board of Trade as the corporation may determine for their decision and the decision of the said Commission or Board of Trade as the case may be shall be conclusive in the matter and on any such reference the said Commission or the Board of Trade as the case may be shall have regard to the fact that it is the intention of this enactment that the Hull and Barnsley undertaking shall at all times be maintained as a substantially independent undertaking Provided also that nothing in this enactment contained shall prejudice the right of the corporation under article nineteen of the agreement scheduled to the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 Provided that in the event of the corporation consenting to a sale lease amalgamation or transfer of the management or control of the Hull and Barnsley undertaking to or the entering into a joint purse arrangement with any company other than the Company this section shall not be deemed to prejudice the Company in any respect in opposing in Parliament any Bill by which powers may be sought to sanction or confirm any such sale lease amalgamation transfer or joint purse arrangement.

Company not to purchase Hull and Barnsley undertaking without consent of corporation.

9.—(1) If the corporation or any trustees at any time hereafter constituted by Parliament shall be authorised by Parliament to

Provisions as to purchase of dock

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—
undertaking
by corpora-
tion or
trustees.

acquire the dock undertakings at Hull of the Company and of the Hull and Barnsley Company the Company shall at the request in writing of the corporation under their common seal sell and transfer to the corporation or to the said trustees as the case may be the entire then existing dock undertaking of the Company at Hull and the service on the Company of any such request as aforesaid shall be deemed to be a contract on the part of the corporation or trustees as the case may be to purchase and take a transfer of such dock undertaking Provided that the corporation or the trustees as the case may be shall at the same time purchase and take a transfer of the entire dock undertaking at Hull of the Hull and Barnsley Company :

(2) The Company shall not oppose any application to Parliament to constitute such trustees or to confer powers for the purposes aforesaid on them or on the corporation except as to matters of detail :

(3) The price to be paid to the Company by the corporation or the trustees as the case may be on any such sale and transfer as aforesaid and the mode of payment thereof (whether by instalments or otherwise) and the security to be given for such payment if the same shall not have been determined by Parliament or agreed upon between the parties shall be determined by an arbitrator in accordance with the provisions of the Railway Companies Arbitration Act 1859 (and for this purpose the corporation shall be deemed to be a railway company) such arbitrator to be mutually agreed upon by the parties or in case they cannot agree then by an arbitrator to be appointed by the Board of Trade at the request of any party :

(4) Whenever the corporation make any such request in writing as aforesaid the Company shall afford to the corporation all necessary information for the purpose of ascertaining the value of the said dock undertaking and shall allow any officer of the corporation or any accountant appointed by the corporation for that purpose to examine at all reasonable hours the accounts of the Company in relation to their said dock undertaking for any number of years back and shall afford him all necessary facilities and information for that purpose.

Overside
charges and
river craft.

10. The Company shall not at any time hereafter apply to Parliament to repeal alter or take away any now existing exemption or freedom from or limitation of dues or charges (1) in respect of animals goods minerals or things loaded or unloaded overside from or into any vessels lighters or river craft without passing over the quays or wharfs of the Company or (2) in respect of such vessels.

lighters or river craft as are now entitled to any such exemption freedom or limitation : A.D. 1893.

Provided that in the event of any such exemption freedom or limitation being repealed altered or taken away in respect of any dock at Hull other than the docks of the Company this section shall cease to have effect in respect of such exemption freedom or limitation.

11. For the purposes of section thirty of the Railway and Canal Traffic Act 1888 the corporation shall be deemed to be the port authority of the port of Hull.

Corporation to be port authority for purposes of section thirty of Railway and Canal Traffic Act 1888.

12. Nothing in this Act contained shall repeal or alter section fifty-three of the Hull Docks Act 1861.

Section fifty-three of Hull Docks Act 1861 to remain in force.

13.—(1) And whereas under the provisions of section one hundred and ninety-seven of the Local and Personal Act 7 and 8 Vict. c. ciii no lime guano salt or seed cake to be respectively used as manures and not for any other purpose or other manures loaded or delivered from the Dock Company's quays or wharfs respectively to be conveyed to any place in England for consumption therein are liable to rates of wharfage for loading and delivering from the said quays and wharfs And whereas under the provisions of section forty of the Hull Docks Act 1861 all stones flags chalk or materials required for the use of the corporation and coal for the borough gaol are exempted from ordinary wharfage in or on any part of the docks and works of the Dock Company Be it enacted that the Company shall give reasonable accommodation and facilities for the loading and delivering of all such lime guano salt seed cake and manures and for the delivering and unloading of all such stones flags chalk materials and coal :

Reasonable facilities to be given for loading and delivering of manure &c.

(2) The corporation or any person aggrieved by any violation or contravention of this enactment may complain to the Railway and Canal Commission who shall have the like jurisdiction to hear and determine such complaint as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act 1854 as amended by subsequent Acts.

14. The byelaws made by the Dock Company under the provisions of that Company's Acts and in force at the date of amalgamation shall continue in force for twelve months or until such earlier date as the byelaws to be made by the Company under the powers in this Act contained shall come into force.

Byelaws of Dock Company to remain in force for twelve months.

15. The byelaws from time to time made by the Company under the provisions of the Dock Company's Acts except such as relate

Confirmation of byelaws.

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A.D. 1893. solely to the Company or their officers or servants shall be subject to the provisions of the Harbours Docks and Piers Clauses Act 1847 but no such byelaws nor any byelaws to be made by the Company under the Harbours Docks and Piers Clauses Act 1847 shall have any force or effect unless or until the same be confirmed by the Board of Trade Provided always that it shall not be obligatory on the Board of Trade to confirm any byelaw authorised by the Dock Company's Acts if in the opinion of the Board of Trade such byelaw ought not having regard to the amalgamation and all the circumstances of the case to be confirmed.

Repeal of certain sections of the Dock Company's Acts.

16. From and after the passing of this Act section one hundred and nine (Limitation of actions) of the Local and Personal Act 14 George III cap. lvi and section seventy-six (Tender of amends) of the Local and Personal Act 7 and 8 Victoria cap. ciii shall be and the same are hereby repealed.

Incorporation of certain sections of the Harbours Docks and Piers Clauses Act 1847.

17. Sections thirty and forty-seven of the Harbours Docks and Piers Clauses Act 1847 are incorporated with this Act and from and after the passing of this Act shall apply to the dock undertaking of the Company at Hull and the expression "the undertakers" in those sections shall mean the Company.

For the protection of the undertakers of the Aire and Calder Navigation.

18. For the protection of the undertakers of the navigation of the rivers of Aire and Calder in the west riding of the county of York (in this section called "the undertakers") the following provisions shall as on and from the passing of this Act and unless otherwise agreed between the Company and the undertakers apply (that is to say) :—

(1) The Company shall appropriate and keep appropriated to the use of the undertakers—

(A) The berths on the north side of the Humber Dock Basin between the east side of the dock entrance into the Humber Dock and the east side of the said basin together with the use in connexion therewith of the quay and shed now occupied by the undertakers adjoining such berths ;

(B) The berths at the south end of the Humber Dock between the west side of the entrance thereto from the Humber Dock Basin and the west side of the said dock together with the use in connexion therewith of the quay and shed now occupied by the undertakers adjoining such berths with the right for the undertakers to place and maintain hydraulic or other power cranes on or in connexion with the berths quays and sheds (A) and (B) above referred to :

(2) The undertakers shall also be entitled to use in common with others— A.D. 1893.

(c) The berth and quay on the north side of the Humber Dock Basin on the west side of the dock entrance into the Humber Dock now used by the undertakers in common with others :

(3) The Company shall from time to time on the application of the undertakers appropriate and set apart for the use of the undertakers and traffic to from or viâ their navigation such further berths and accommodation in convenient positions in the docks of the Company as may from time to time be found to be reasonably necessary for such traffic :

(4) The undertakers shall be entitled to the use of the accommodation referred to in the sub-section (1) of this section in priority to all other persons :

(5) In the event of the Company requiring the appropriated berths or any of them or any part or parts thereof for the purposes of structural alterations of the docks or for other sufficient cause the Company shall be at liberty by three months notice in writing to terminate the appropriation of the same and the Company shall thereupon provide and appropriate as aforesaid elsewhere in some dock or docks of the Company equally convenient and suitable accommodation having regard to the nature and extent of the traffic using or requiring to use such appropriated accommodation :

(6) The undertakers shall in addition to the wharfage or other rates dues or charges for the time being charged in respect of their traffic pay to the Company in respect of the use and occupation of the sheds referred to in sub-section (1) of this section the sum of one hundred pounds per annum by equal quarterly payments :

(7) Any dispute or difference between the Company and the undertakers arising under or in connexion with this section shall be determined by an arbitrator to be appointed by the Board of Trade.

19. For the purpose of affording reasonable protection to the Hull and Barnsley Company it is enacted that the Company shall not at any time except by agreement with the Hull and Barnsley Company or in accordance with an order to be made as herein-after mentioned reduce either directly or indirectly by rebates allowances or otherwise the dues rates or charges at any dock or docks at Hull owned or controlled by them below the dues rates or charges for the time being charged at the Alexandra Dock by the Hull and Barnsley

For protection of Hull and Barnsley traffic.

A.D. 1893. Company Provided always that if the Company shall be dissatisfied with such dues rates or charges it shall be lawful for them to apply to the standing arbitrator to be appointed as herein-after mentioned who shall have power to fix by order the dues rates and charges to be charged by the Company at such dock or docks as aforesaid and who shall also have power from time to time upon the application of either of the said Companies to vary any such order as aforesaid :

Provided also that if and whenever the Hull and Barnsley Company increase the dues rates and charges for the time being charged at the Alexandra Dock or any of them above the dues rates and charges charged by the Company at any such dock or docks then and in every such case the maintenance by the Company of the dues rates and charges charged by them immediately prior to such increase shall not be deemed to be a reduction thereof within the meaning of this section.

As to provision of additional dock accommodation at Hull.

20.—(1) If after the passing of this Act the Company shall desire to provide additional dock accommodation at Hull eastward of the River Hull and if the land now belonging to the Hull and Barnsley Company and situate eastward of the Holderness Drain Outfall shall be available for the construction of a new dock the Company shall give to the Hull and Barnsley Company notice in writing of such desire as aforesaid and thereupon the following provisions shall take effect :—

(A) In the event of the Hull and Barnsley Company within six months after the receipt of the said notice giving a counter notice in writing to the Company stating that the Hull and Barnsley Company desire that if such additional dock accommodation be provided by the Company it shall be provided on the said land of the Hull and Barnsley Company then (subject as herein-after mentioned) such additional dock accommodation shall not be provided by the Company otherwise than by the construction of a new dock upon the said land and the following provisions shall apply to such new dock :—

- (i) The price to be paid for the said land if not agreed shall be settled by arbitration under the Lands Clauses Acts ;
- (ii) The Hull and Barnsley Company or any other company lawfully using or working their railway shall have access free of charge for the same for their carriages and trucks to the new dock from their Alexandra Dock lines but the working on the new dock lines shall be performed by the Company and such working shall be efficiently performed ;
- (iii) The junction between the new dock lines and the Alexandra Dock lines shall not except with the consent of the Hull and Barnsley Company be used for any traffic

other than the traffic of the Hull and Barnsley Company or of any company lawfully using or working their railway;

(iv) The terms upon which the traffic of the Hull and Barnsley Company is to be worked by the Company on the new dock lines (including the payment to be made for the use of such lines) shall if not agreed be settled by arbitration:

(B) The Hull and Barnsley Company may by the counter-notice referred to in sub-section (A) of this section require that the new dock shall be a joint undertaking to be managed by a joint committee. In that event the capital required for such joint undertaking shall be provided by the two Companies in equal shares and in the event of the Hull and Barnsley Company declining to provide its share of such capital the Company shall if they desire to proceed with the construction of the new dock subscribe to the joint committee the capital necessary to make good the deficiency and the Hull and Barnsley Company shall pay to the Company half-yearly a sum equivalent to six months interest at the rate of four per centum per annum upon the capital subscribed by the Company to make good such deficiency. Provided that nothing herein contained shall be deemed to create a debt recoverable from the Hull and Barnsley Company in respect of any capital which may be subscribed by the Company as aforesaid. The provisions in regard to the construction management and working of the joint undertaking shall in the event of difference between the two Companies be settled by arbitration:

(c) If the Hull and Barnsley Company shall give the counter-notice in sub-section (A) of this section referred to within three months after the receipt of the said notice from the Company and shall in such counter-notice state that in their opinion the additional dock accommodation in the said notice mentioned is not necessary the question whether such additional dock accommodation is necessary shall be referred to arbitration and in the event of the arbitrator deciding that such additional dock accommodation is not necessary the said notice shall be deemed to be withdrawn and the Company and the Hull and Barnsley Company shall for the purposes of this section be in the same position as if such notice had not been given:

(D) If the Company do not within two years after giving the said notice proceed with the construction of the new dock then

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such notice shall be deemed to be withdrawn and the Company and the Hull and Barnsley Company shall for the purposes of this section be in the same position as if such notice had not been given :

(2) Except as otherwise provided by sub-section (A) (i) of this section or by sub-section (5) of the section of this Act of which the marginal note is "Company to expend capital for dock purposes" any matter or question which under this section is to be referred to or settled by arbitration shall be referred to the standing arbitrator to be appointed in manner herein-after provided :

(3) Nothing in this section or in any procedure thereunder shall prejudice the Hull and Barnsley Company in opposing any application to Parliament by the Company for the construction of a new dock and nothing in this section contained shall affect the right of the Hull and Barnsley Company to carry out any additional works either upon the land herein-before referred to or upon their land adjoining thereto.

Appointment
of standing
arbitrator by
the two
Companies.

21.—(1) The two Companies shall in the month of November in each year appoint under their respective common seals a standing arbitrator for the year commencing the first day of January then next and shall in each such appointment fix the remuneration to be paid to such arbitrator :

(2) If in any year default shall be made in any such appointment a standing arbitrator shall on the application of either of the two Companies be appointed by the Board of Trade who shall fix the remuneration to be paid to the arbitrator appointed by them :

(3) One moiety of the remuneration of the standing arbitrator shall be paid by the Company and the other moiety thereof by the Hull and Barnsley Company :

(4) The standing arbitrator may be removed from his office by the two Companies :

(5) If the standing arbitrator shall during his year of office decline to act or become incapable of acting or die or resign or go to reside abroad or be removed from office the two Companies may forthwith appoint and fix the remuneration of another standing arbitrator in his place and in default thereof such other standing arbitrator shall be appointed and his remuneration fixed in manner aforesaid by the Board of Trade and every standing arbitrator appointed to supply such vacancy as aforesaid shall continue in office so long only as the person in whose place he may be appointed would have been entitled to remain in office :

(6) The standing arbitrator shall have jurisdiction in all matters by this Act referred to him and his decision shall be given from

time to time as occasion shall require in writing and such writing or a copy thereof shall forthwith be sent or delivered by such arbitrator to the general manager of each Company : A.D. 1893.

(7) If any matter which may have been referred to the standing arbitrator shall be left undecided by him at the expiration of his year of office the same shall be decided by him although he may no longer fill the office of standing arbitrator.

22.—(1) If at any time hereafter the rates charged by the Company for the conveyance of coal coke or slack to Hull from the collieries in the West Yorkshire district (herein-after in this section referred to as “the West Yorkshire coal rates”) shall be reduced without a corresponding reduction in the rates charged by the Company either solely or in conjunction with any other railway company for the conveyance of coal coke or slack to Hull from the collieries in the South Yorkshire district (herein-after in this section referred to as “the South Yorkshire coal rates”) or if the South Yorkshire coal rates shall be increased without a corresponding increase in the West Yorkshire coal rates then and in either of such events it shall be lawful for any trader or traders in the South Yorkshire district aggrieved thereby to complain to the Railway and Canal Commission that the West Yorkshire coal rates are unduly low as compared with the amount charged by the Company to him or them in respect of coal coke or slack sent by him or them to Hull and the Commissioners shall have the same jurisdiction to hear and determine such complaint as they have to hear and determine a complaint of undue preference under the Railway and Canal Traffic Acts 1854 1873 and 1888 and such complaint shall not be defeated by reason only that the traffic of the complainant or complainants is conveyed for part of the transit over railways other than railways of the Company but the Commissioners shall have full power to remedy and determine the matter of such complaint so far as it affects the Company notwithstanding that the traffic of the complainant or complainants is so conveyed for part of the transit over railways other than the railways of the Company :

As to rates for coal from South Yorkshire and West Yorkshire districts.

(2) In this section “the South Yorkshire district” means the part of the Yorkshire coalfield situate south of a line drawn from a point midway between Crigglestone and Haigh Stations on the Barnsley Branch of the Lancashire and Yorkshire Railway to Askern Station on the Knottingley Branch of the Lancashire and Yorkshire Railway and north of another line drawn from east to west through a point two miles due south of Shire Oaks Colliery and “the West Yorkshire district” means that part of the Yorkshire coalfield situate north of the South Yorkshire district.

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For protec-
tion of
independent
warehouse-
men.

23. If the rents or charges charged or made by the Company in respect of any warehouse at Hull forming part of the dock undertaking shall be such as to create unfair or undue competition with the owner or lessee of any private warehouse at Hull it shall be lawful for such owner or lessee to make complaint thereof to the Board of Trade who shall thereupon appoint an arbitrator to hear and determine the subject matter of such complaint and the costs of the reference and award shall be in the discretion of such arbitrator. In case the Company shall fail to observe the terms of any award to be made by such arbitrator such owner or lessee may make complaint thereof to the Railway and Canal Commission who shall have the like jurisdiction to enforce the award as they have to enforce their decision order or judgment on a complaint of a contravention of section two of the Railway and Canal Traffic Act 1854 as amended by subsequent Acts.

Company to
expend
capital
for dock
purposes.

24.—(1) The Company shall within seven years from the date of the passing of this Act expend a sum of five hundred thousand pounds for general dock purposes at Hull properly chargeable to capital :

(2) The Company shall on or before the first day of March one thousand eight hundred and ninety-five and the first day of March in each succeeding year during the said seven years furnish to the Corporation a statement showing the amount expended in the preceding year under the provisions of this section and the purposes to which the same has been applied :

(3) The Corporation may complain to the Railway and Canal Commission that the Company are not duly fulfilling their obligations under this section or taking all reasonable and necessary steps for that purpose including any application to Parliament for any requisite statutory powers and the said Commission may thereupon make such order as they think fit for giving full effect to this enactment :

(4) The said Commission shall have the like jurisdiction to hear and determine the subject matter of any complaint under this section as if the same had been referred to their decision by the Railway and Canal Traffic Act 1888 and any order made under this section may be enforced in the same way as an order made by the said Commission under the Railway and Canal Traffic Acts 1873 and 1888 :

(5) If after the first day of January one thousand eight hundred and ninety-eight the land now belonging to the Hull and Barnsley Company situate eastward of the Holderness Drain Outfall shall be available for the construction of additional dock accommodation the

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Corporation may serve a notice upon the Company proposing that the said sum of five hundred thousand pounds or such portion thereof as shall then be unexpended or not required for works in progress shall be expended by the Company in the provision of additional dock accommodation eastward of the River Hull and thereupon the Company shall forthwith serve a copy of such notice upon the Hull and Barnsley Company and the same shall be deemed to be a notice under sub-section (1) of the section of this Act of which the marginal note is "As to provision of additional dock accommodation at Hull" and in the event of the Hull and Barnsley Company giving to the Company in manner provided in sub-section (c) of the said section a counter notice stating that in their opinion additional dock accommodation is not necessary the question whether such additional dock accommodation is necessary shall be referred to an arbitrator to be appointed by the Company the Hull and Barnsley Company and the corporation or in case of difference by the Board of Trade on the application of any one of the said parties. The corporation shall be a party to the said reference and the decision of such arbitrator upon the said question shall be binding on all the said parties to the reference.

25.—(1) The corporation may by notice in writing under their common seal require the Company to apply to Parliament for power to stop up and abolish both or either of the existing level crossings by which the Hedon and Hessle Roads are crossed on the level by the Victoria Dock Branch and the Hull and Selby Branch of the Company's railway respectively and to substitute for the Hedon Road level crossing a bridge over the railway and for the Hessle Road level crossing a bridge under the railway with inclined approaches to such bridges and the Company shall apply to Parliament for such power in the session next succeeding the giving of such notice in which the Company shall be applying for any parliamentary powers and shall with all reasonable despatch carry such power when obtained into effect:

Level
crossings.

(2) The said bridges and approaches shall be constructed in accordance with detailed plans sections and specifications to be agreed upon between the Company and the corporation or in default of agreement to be settled by an arbitrator to be appointed in case of difference by the Board of Trade:

(3) Upon the completion of the said bridges and approaches and other necessary works the corporation shall pay to the Company one third of the total cost thereof as certified by the Company's engineer including in such cost the value of any land outside the

A.D. 1893. — limits of the then existing roads required for the construction of the works and any sums paid for compensation :

(4) The structure of each of the said bridges shall at all times be maintained by the Company and the said roads as altered together with the approaches thereto shall at all times be maintained by the corporation.

Provisions
for pro-
tection of
coasting and
river traffic.

26.—(1) From and after the passing of this Act animals goods minerals and things brought from any place in Great Britain by coasting vessel or river craft into any dock of the Company at Hull for shipment and landed or discharged on any quay or wharf of the Company and loaded or delivered into any ship or vessel shall be chargeable with outward wharfage only and such charge shall not exceed the outward wharfage for the time being charged by the Company in respect of the like description of animals goods minerals and things brought by railway to Hull for shipment and loaded or delivered into any ship or vessel from any quay or wharf of the Company :

(2) The Company shall at all times afford all reasonable facilities for the loading unloading delivering and forwarding of all animals goods minerals and things brought by water to any dock wharf or quay of the Company at Hull from any place on the coast of Great Britain or on the rivers Humber Ouse or Trent or on any river or navigation flowing into or connected with any of the said rivers or to be forwarded by water from any such dock wharf or quay to any such place as aforesaid and shall afford all reasonable accommodation and facilities for the vessels or craft carrying or intended to carry such animals goods minerals or things and shall not subject such animals goods minerals or things or the vessels or craft carrying or intended to carry the same to any undue or unreasonable prejudice or disadvantage in any respect whatsoever and shall not give any undue or unreasonable preference or advantage to or in favour of animals goods minerals or things brought to or carried from any such dock wharf or quay by railway or to or in favour of any vessel or other craft carrying or intended to carry such last-mentioned animals goods minerals or things to or from any such dock wharf or quay :

(3) The Company shall afford reasonable facilities (as fully as the Dock Company have hitherto done) free of toll for the ingress and egress of lighters or river craft into and from any dock of the Company at Hull from and into the River Hull or the River Humber for the purpose of receiving or delivering cargo during a reasonable period before the water on the rising tide reaches the

level of the water in the docks and also during a reasonable period after high water: A.D. 1893.

(4) The Railway and Canal Commission shall have the like jurisdiction to hear and determine a complaint of a contravention or violation of this enactment as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act 1854 as amended by subsequent Acts:

(5) A complaint under this section may be made by the undertakers of the navigation of the rivers of Aire and Calder in the west riding of the county of York or by any person aggrieved or by any of the authorities mentioned in section seven of the Railway and Canal Traffic Act 1888 without proof that such authority is aggrieved by the matter complained of.

27.—(1) Notwithstanding anything in this Act contained the existing powers of the Dock Company to levy dues on vessels entering or using the River Hull or the port of Hull but not entering any dock or basin or using any quay or wharf of the Dock Company or of the Hull and Barnsley Company shall not be transferred to or vested in the Company and nothing in this Act or in any Act relating to the Dock Company shall entitle the Company to levy dues or charges on or in respect of any such vessel as aforesaid: Dock Company's powers as to river and port of Hull to be transferred to corporation.

(2) On and from the passing of this Act the said powers shall be transferred to and become vested in the corporation and the corporation shall (except as herein-after provided) levy on vessels entering or using the River Hull or the port of Hull but not entering any dock or basin or using any quay or wharf of the Company or of the Hull and Barnsley Company dues not less than the dues now levied on such vessels by the Dock Company:

(3) No dues or charges shall be levied under this section on any vessel going to or from any dock of the Company or of the Hull and Barnsley Company and entering or using the River Hull or the port of Hull for that purpose only:

(4) Every vessel going to or from any dock of the Company shall be entitled at all times to free and unimpeded access to or from such dock by way of the River Hull and the haven master of the port may or on his failure to do so forthwith after request by the Company the Company may remove any vessel or other thing obstructing such access and may recover from the owner thereof the expenses of such removal.

(5) The master of any vessel or other person wilfully obstructing the access to any dock of the Company when any vessel is entering or leaving such dock shall be liable to a penalty not exceeding

A.D. 1893. five pounds for every such offence to be recovered in a summary manner before a court of summary jurisdiction.

(6) On and from the passing of this Act the existing powers and obligations of the Dock Company with respect to the cleansing and preserving of the channel of the River Hull shall be transferred to and imposed on the corporation but nothing in this enactment shall extend to make the corporation liable for or in respect of any loss damage or injury caused by or resulting from any act neglect or omission of the Dock Company before the passing of this Act.

Watching of dock estate.

28.—(1) From and after the passing of this Act section two hundred and sixty-eight (Watching dock &c.) of the Local and Personal Act 7 and 8 Vict. cap. ciii shall be and the same is hereby repealed Provided that notwithstanding such repeal the Queen's Prince's Humber and Railway Docks and the quays and premises adjacent thereto and forming part of the dock undertaking and all the public roads and footways within the dock estate of the Company within the borough of Kingston-upon-Hull shall at all times hereafter be watched by the police of the said borough in the same manner as public streets and places in the said borough are watched:

(2) The dock undertaking shall be henceforth assessed and rated to the borough watch rate and sections sixty-seven and one hundred and twelve of the Hull Extension and Improvement Act 1882 shall not apply to such rate in respect of the dock undertaking Such rate shall be paid by the Company direct to the treasurer of the said borough.

Repair of certain streets.

29.—(1) From and after the passing of this Act the streets herein-after enumerated the cleansing repairing and maintenance of which are now performed by the Dock Company shall be cleansed repaired and maintained by the corporation and the Company shall on the passing of this Act pay to the corporation the sum of fifteen thousand five hundred pounds as the consideration for taking over such cleansing repair and maintenance:

The streets herein-before referred to are Savile Street George Street Charlotte Street Dock Street Smeaton Street Grimston Street (from George Street to Dock Street) Clifford Street Charlotte Street Mews Paradise Row Trippett Street Little Mason Street Dock Office Row and Junction Street:

(2) From and after the passing of this Act the existing obligations of the Dock Company to light the said streets and the existing rights and powers of the Dock Company of receiving and recovering payments or contributions in respect of such lighting from the

owners or occupiers of property in or adjoining such streets shall be transferred to and may be exercised by the corporation : A.D. 1893.

(3) Nothing in this section shall take away prejudice or affect any powers rights and privileges of the corporation under section one hundred and fifty of the Public Health Act 1875 with respect to the said streets and the said last-mentioned section shall apply to the owners of property fronting adjoining or abutting on the said streets as fully and effectually as if this Act had not passed but nothing in this section shall prejudice or affect any rights or privileges of the owners or occupiers of property fronting adjoining or abutting on the said streets or render them subject to any liability or obligation from which they are at present exempt :

(4) The Company shall on the passing of this Act repay to the corporation so much of the sum of one hundred and twenty-six pounds eight shillings and threepence which the corporation have expended in sewerage Trippett Street and Little Mason Street as the corporation may not have recovered from the owners of the property in such streets and the Company shall on such repayment have the same rights and powers of recovering so much of the said sum then due to the corporation as the corporation possessed immediately before such repayment.

30. The following provisions shall have effect for the benefit and protection of the corporation (that is to say) :— For benefit and protection of corporation.

(1) From and after the passing of this Act the public footways and carriage roads upon the property of the Company shall be in the lines shown on the plan signed in duplicate by Samuel Hoare the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred on which plan the footways are coloured red and the roads are coloured yellow and one copy of which plan shall be retained by the Company and the other by the corporation. The said footways and roads are between the points following (that is to say) :—

(A) A footway along the front of the Humber from the entrance to the Albert Dock to the entrance to St. Andrew's Dock ;

(B) A footway along the front of the Humber from the entrance to St. Andrew's Dock to the western extremity of the river wall or embankment in front of St. Andrew's Dock and west thereof ;

(C) A footway from a point on footway (B) immediately south of St. Andrew's Dock Bridge over such bridge and thence eastward in a direct line to a point on footway (A) immediately or nearly south of the Albert Club ;

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- (D) A footway on the line of the existing Humber Bank footway from the footway (G) at a point near the West Dock Avenue footbridge westwards to the borough boundary Provided that this footway so far as it lies eastward of footway (J) shall cease if and so soon as the footway (B) shall be constructed westward as far as the said footway (J);
- (E) A footway from a point on footway (A) immediately south of Albert Dock Bridge in a direct line over such bridge to Wellington Street and to the steps leading to Manor House Street Bridge;
- (F) A footway from the south side of the Hull and Barnsley Railway over Strickland Street Bridge the full width of such bridge and continued thence to the footway on the front of the Humber Provided that the Company may close this footway at the south side of Strickland Street Bridge whenever the Albert and William Wright Dock premises are closed for working purposes;
- (G) A footway from the West Dock Avenue footbridge near the north-west corner of the Anglo-American Oil Company's walled yard in a southerly direction past the east side of Pumping Station No. 2 in a direct line to footway (A);
- (H) A footway from the south side of the Hull and Barnsley Railway through the Dairycoates Subway in a direct line to the footway (G) and by means of the steps to the footway (D);
- (J) A footway from the western extremity of footway (B) in a northerly direction to footway (D);
- (K) A footway from the west end of Nelson Street along Humber Dock Street Prince's Dock Street and South Side Queen's Dock to the north end of Lowgate;
- (L) So long as the Queen's Dock Ferry shall exist a footway from the north end of Quay Street to the said ferry and from such ferry to the south end of Grimston Street and thence along Grimston Street to Dock Street;
- (M) A footway on the line of the existing footway along the west and north sides of the Dock Company's yard near Queen's Dock entrance;
- (N) A footway from the Garrison Side footway north of the Drypool entrance to Victoria Dock over both the inner and the outer bridges to the Garrison Side footway south of such entrance;

- (o) A footway from Hedon Road at or near the Company's level crossing in a direct line to the north-west corner of Earle's Shipbuilding and Engineering Company's Works;
 - (p) A carriage road from the north end of Lowgate along Northwalls to the north end of High Street;
 - (qi) A footway from the South Bridge to the footpath at the north-east corner of Earle's Shipbuilding and Engineering Company's property;
 - (qii) A carriage road from the South Bridge to the existing road at the said north-east corner of Earle's Shipbuilding and Engineering Company's property with a barrier at a point westward of the main entrance to the yard of the said Company to be agreed upon by the Company and the corporation or in case of difference to be determined by the stipendiary police magistrate of Hull:
- (2) If the embankment in front of St. Andrew's Dock and west thereof shall at any time be continued westward beyond the footway (j) the footway (b) shall be continued along it as far as practicable and in that event the Company shall provide in lieu of the said footway (j) a substituted footway for the purpose of connecting the footways (b) and (d) in such position as the Company and the corporation may agree or in case of difference the said stipendiary police magistrate shall determine:
- (3) The carriage road (p) together with the footway on one side thereof shall have a clear width of twenty-two feet except where it is at present a less width between the buildings on each side but at no place shall it be a less width than the width between such buildings:
- (4) In the event of the carriage road (qii) being interfered with by any extension of the Victoria Dock the Company shall be at liberty to stop the said carriage road at the south-west end of Citadel Street without providing a substituted carriage road and to divert the footway (qi) on providing a substituted footway to the satisfaction of the corporation or in case of difference to the satisfaction of the said stipendiary police magistrate Provided that in the event of the carriage road (qii) being stopped as aforesaid the Company shall if so required by the Hull South Bridge Company so arrange their said extension works as to provide carriage road access to the same from the eastern approach to the South Bridge in addition to Citadel Street and south of the south-west end of that street:
- (5) The corporation shall be at liberty to construct the carriage road (qii) of a reasonable width (to be determined in case of

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difference between the corporation and the Company by the said stipendiary police magistrate) but if the road be stopped under the herein-before stated provisions the Company shall repay to the corporation the cost they may have incurred in such construction as certified by the borough engineer. The certificate shall be furnished at the Company's request on completion of the works :

- (6) The width of the roads and footpaths where not prescribed by existing Acts or this Act shall failing agreement be of such width as the said stipendiary police magistrate may upon hearing the corporation and the Company determine :
- (7) The Company may divert any of the footpaths (except the footpath along the front of the Humber) upon their providing to the satisfaction of the corporation or failing agreement of the said stipendiary police magistrate substituted footpaths in lieu of such diverted footpaths :
- (8) It shall be lawful for the Company to lay a reasonable number of rails for the purposes of traffic across the said footways or roadways other than the footways (A) and (B) Provided that if the corporation object to any rails so laid they may request the Company to remove or to alter the position of the same and any question thereon between the Company and the corporation shall be determined in case of difference by the said stipendiary police magistrate :
- (9) Notwithstanding anything in this or any other Act contained the Company shall not except as otherwise herein-before provided in any way interfere with the use of the public footways over the Dock Company's estate or obstruct such footways by allowing any engines or trucks to stand thereon or by placing or allowing to be upon or over them any materials (except for the purpose of repairs or laying underground pipes culverts or other things) goods or anything whatsoever which may interfere with the free safe and convenient use by the public of the said footways to their full width and extent and in case any such footway shall at any time be so obstructed it shall be lawful for the corporation with or without notice to the Company or any other persons concerned to remove such obstruction and to recover any expense which they may incur in so doing from the Company or other person causing the obstruction in a summary manner before a court of summary jurisdiction :
- (10) The decision of the said stipendiary police magistrate shall be final and without appeal upon all matters in this Act referred to him and the costs of every such reference (including

such sum for the said magistrate's services as the Secretary of State shall certify to be reasonable) shall be borne as the said magistrate shall direct : A.D. 1893.

- (11) If at any time the Company shall rebuild any existing bridge leading to the old town or citadel estate they shall build it of such improved dimensions and construction as the corporation shall require or in case of difference as shall be settled by an engineer to be appointed by the Board of Trade and the corporation shall pay to the Company the additional cost (if any) consequent on such improved dimensions and construction and the amount thereof shall failing agreement be settled by arbitration :
- (12) If required by the corporation the Company shall sell to them all their interest in the South Bridge at a price to be agreed or failing agreement at a price to be determined by arbitration :
- (13) The corporation may at all times take water from any of the Dock Company's docks for the purpose of flushing sewers They may also at all times take water from the said docks for condensing or other purposes for any electric light or other works they may establish Provided that (save as herein-after mentioned) substantially the whole of the water so taken is returned into the dock from which it is taken but the corporation shall not be under any obligation to return water taken at such times that the depth of water in such dock shall not be prejudicially affected thereby and the Company shall as far as reasonably practicable so work their locks and sluices as to allow the corporation to take such water as they may require without prejudicially affecting the depth of water The Company shall not be entitled to any payment for water taken under this sub-section (except as herein-after provided) but the corporation shall make at their own expense any connexions to the docks that may be necessary for the purposes aforesaid and such connexions shall be constructed in a manner reasonably approved of by the Company's engineer and maintained to his reasonable satisfaction Provided always that if water be taken under the provisions of this sub-section from any dock of the Company in which the level of the water is maintained by pumping the corporation shall pay to the Company the cost of any additional pumping which may be necessary by reason of the corporation having taken water from such dock :
- (14) The corporation shall be entitled to such wayleaves as they may require through under or over the Dock Company's streets and lockpits and those quays and wharfs on which footways exist

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and through the existing culvert at the west end of the Queen's Dock for laying gas water electric light and other pipes wires cables and culverts and for constructing sewers and any works incidental thereto with all necessary and usual appliances and the Company shall not be entitled to payment for such wayleaves unless they shall cause loss to the Company by damage to the Company's works or by impeding or preventing the usual conduct of traffic and business In case any wayleaves exercised by the corporation shall cause such loss to the Company as aforesaid the corporation shall pay the Company in respect thereof such amount as may be fixed by agreement or failing agreement by arbitration :

Works constructed under this sub-section shall be constructed and maintained to the reasonable satisfaction of the Company's engineer :

- (15) The traffic on tramways or railways belonging to the Company passing along or across the public main thoroughfares in the borough on the level shall at all times be under the control of the borough police who may regulate the number of vehicles so passing without intermission and the intervals between the passage of vehicles and such traffic shall in all cases be subject to any general or special regulations applying to street traffic in such main thoroughfares The Company shall not use upon such tramways or railways any locomotive except with the consent of the corporation :
- (16) Except as herein expressly provided nothing in this section shall impose upon the Company any greater liability with respect to the construction or maintenance of any road or footpath on the estate of the Dock Company than the Dock Company shall have been under immediately before the passing of this Act :
- (17) All matters which are by this section to be settled by arbitration and all differences which may arise between the corporation and the Company and which are not referred to the decision of the stipendiary police magistrate of Hull as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be referred to and settled by an engineer to be appointed (unless otherwise agreed upon in any case) by the Board of Trade upon the application of either of the parties in difference and the cost of every such reference shall be borne as such arbitrator shall direct.

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31. The Company shall keep the accounts of their dock undertaking at Hull separate from the accounts of their railway undertaking.

Company to keep separate accounts of dock undertaking.

32. If any port harbour or dock authority or dock company shall have reason to believe that the Company is by its dock charges rebates or allowances or by any charge whatever in connexion with the docks of the Company at Hull placing their docks or port at an undue disadvantage as compared with the docks of the Company at Hull they may make complaint thereof to the Railway and Canal Commission who shall have the like jurisdiction to hear and determine the subject matter of such complaint as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act 1854 as amended by subsequent Acts and for the purposes of this section such authority or Company shall with respect to any particular merchandise or class of merchandise or the merchandise of any particular trader or traders carried or intended to be carried by the Company to or from Hull and shipped or discharged or intended to be shipped or discharged in any of the docks of the Company at Hull be deemed to be persons interested in the carriage of such merchandise within the meaning of sub-section three of section thirty-three of the Railway and Canal Traffic Act 1888.

Power to other harbour and dock authorities to complain of undue preference.

33. The chairman and deputy chairman of the Dock Company shall from and after the passing of this Act cease to be members of the Humber Conservancy Commission and in lieu thereof the Company may from time to time nominate under their common seal two of their directors or other persons to be Humber Conservancy Commissioners and section four of the River Humber Conservancy Act 1852 so far as relates to the Dock Company is hereby repealed and the provisions of the Acts relating to the Humber Conservancy Commission so far as they relate to or affect the Dock Company shall on and after the date of amalgamation be deemed and held to apply to the Company.

Power to Company to nominate two Humber Conservancy Commissioners in lieu of those appointed by Dock Company.

34. The several powers rights and privileges with reference to the Hull South Bridge vested in the Dock Company by the Hull South Bridge Amendment Act 1866 the Hull Docks Act 1877 and the agreements by the said Acts respectively confirmed shall from and after the passing of this Act be transferred to and vested in the Company and may thereupon and thereafter be exercised by the Company as if the same had been by the said Acts vested in the Company and such powers rights and privileges shall be in addition to any similar powers rights and privileges of the Railway Company.

Power to Company to appoint directors of Hull South Bridge Company.

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Stock of the Dock Company to be exchanged for stock of Company.

35. As on and from the date of amalgamation the holders (other than the Railway Company) of preference and ordinary stock of the Dock Company shall in lieu of and in exchange for such stock held by them respectively have issued and allotted to them stock of the Company in the proportions following (that is to say) :—

The holders of the convertible preference stock of the Dock Company bearing a preferential dividend at the rate of four and a quarter per centum per annum payable only out of the profits of each year such stock amounting in the aggregate to three hundred and sixty-one thousand six hundred and sixteen pounds shall as from the date of amalgamation become and be holders of North Eastern Preference Stock 1876 in the proportion of seventy-five pounds in nominal value of such stock for every one hundred pounds in nominal value of the said preference stock of the Dock Company :

The holders of the ordinary consolidated stock of the Dock Company such stock amounting in the aggregate (exclusive of the sum of one hundred thousand pounds held by the Railway Company) to one million five hundred and twenty-one thousand four hundred pounds shall as from the date of amalgamation become and be holders of North Eastern Consols in the proportion of thirty pounds in nominal value of such Consols for every one hundred pounds in nominal value of the said stock of the Dock Company.

Debenture stock of Dock Company to be exchanged for debenture stock of Company.

36. As on and from the date of amalgamation the holders of debenture stock of the Dock Company shall in lieu of and in exchange for such stock held by them respectively have issued and allotted to them debenture stock of the Company bearing interest at the rate of four pounds per centum per annum which shall rank pari passu with and form part of the Company's four per centum debenture stock in the proportions following (that is to say) :—

The holders of debenture stock of the Dock Company bearing interest at four and a quarter per centum per annum such stock amounting in the aggregate to six hundred and four thousand two hundred and twenty pounds two shillings and sixpence shall as from the date of amalgamation become and be holders of such debenture stock of the Company as aforesaid in the proportion of ninety-three pounds fifteen shillings in nominal value of such stock for every one hundred pounds in nominal value of the said debenture stock of the Dock Company :

The holders of debenture stock of the Dock Company bearing interest at four per centum per annum such stock amounting in

the aggregate to six hundred and ninety-nine thousand one hundred and thirty-five pounds sixteen shillings and sixpence shall as from the date of amalgamation become and be holders of such debenture stock of the Company as aforesaid in the proportion of eighty-seven pounds ten shillings in nominal value of such stock for every one hundred pounds in nominal value of the said debenture stock of the Dock Company.

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37. As on and from the date of amalgamation the capital which immediately before the date of amalgamation was the capital of the Railway Company inclusive of debenture stock shall be increased in the manner and to the extent necessary to give effect to the foregoing provisions of this Act and (subject to the provisions with respect to the raising of additional capital herein-after contained) the capital as so increased shall be the capital of the Company.

As to capital
of the
Company.

38. Notwithstanding anything in this Act contained no person shall become entitled under this Act to any fractional part of a pound of stock of any denomination in the capital of the Company but in every case in which any such person would but for this enactment have become entitled to a fractional part of a pound of any such stock the Company may at their option receive from such person such a further sum in cash as will make up an even pound or pay to such person in cash the amount of such fractional part.

As to frac-
tional parts
of a pound
of stock.

39. The directors of the Company shall issue certificates of the debenture preference and ordinary stock created and issued under the foregoing provisions of this Act to the persons severally entitled thereto under such conditions (if any) as to delivery for cancellation or proof of the loss or destruction of the certificates of the stock of the Dock Company for which such stock is substituted as they may reasonably determine.

Certificates
of new stock
to be issued
by the Com-
pany.

40. Trustees executors and all other holders in any representative or fiduciary capacity of any existing debenture preference or ordinary stock of the Dock Company shall accept the stock of the Company created or issued in exchange therefor under the powers of this Act and may hold dispose of or otherwise deal with the stock so issued in exchange in all respects as they might have held disposed of or otherwise dealt with the stock for which it was exchanged.

Trustees &c.
to accept
stock of
Company in
exchange for
stock of
Dock Com-
pany.

41. All debenture preference or ordinary stock issued under the authority of this Act to any holder of stock of the Dock Company shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those in on or subject to which the stock of the Dock Company for which such stock is substituted was held immediately before the date of amalgamation

Substituted
stocks to be
held on same
trusts.

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and every deed or other instrument or any testamentary or other disposition of or affecting any such stock of the Dock Company shall take effect with reference to the whole or a proportionate part as the case may be of the debenture preference or ordinary stock substituted therefor under the provisions of this Act.

Power Lancashire and Yorkshire Railway Company to sell converted stock.

42. Notwithstanding anything in any Act of Parliament contained it shall be lawful for the Lancashire and Yorkshire Railway Company at any time after the date of amalgamation to sell and dispose of the stock of the Company to which they shall become entitled and which shall be allotted to them under the provisions of this Act and the proceeds of any such sale shall be applied by the Lancashire and Yorkshire Railway Company to any purpose of their undertaking to which capital is properly applicable.

Power to Manchester Sheffield and Lincolnshire Railway Company to sell converted stock.

43. Notwithstanding anything in any Act of Parliament contained it shall be lawful for the Manchester Sheffield and Lincolnshire Railway Company at any time after the date of amalgamation to sell and dispose of the stock of the Company to which they shall become entitled and which shall be allotted to them under the provisions of this Act and the proceeds of any such sale shall be applied by the Manchester Sheffield and Lincolnshire Railway Company to any purpose of their undertaking to which capital is properly applicable.

Cancelling Dock Company's stock held by Railway Company.

44. As on and from the date of amalgamation the stock of the Dock Company held by the Railway Company shall be and is hereby cancelled.

Unexercised capital powers of Dock Company cancelled.

45. As on and from the date of amalgamation all unexercised powers of raising money conferred upon the Dock Company by any Act of Parliament are hereby cancelled.

Company may borrow moneys for payment of debts of Dock Company.

46. In addition to any other moneys which the Company are authorised to raise by borrowing on mortgage or by the creation and issue of debenture stock they may in their own name and under their own seal and on the security of their undertaking from time to time borrow on mortgage or create and issue debenture stock for the purpose of and to such an amount as may be necessary for paying off the whole or any part of the bond debts of the Dock Company amounting to two hundred and eighty-two thousand and forty-four pounds one shilling and of the temporary loans of that Company amounting to twenty-two thousand pounds or thereabouts or the Company may if they think fit raise the moneys required for paying off the whole or any part of such debts and loans by the creation and issue of new shares or stock under the powers in this Act herein-after contained Provided always that in the event of the

whole or any part of the said debts and loans being paid off out of moneys raised by the creation and issue of new shares or stock the powers by this section conferred upon the Company of raising money by borrowing on mortgage or by the creation and issue of debenture stock shall be cancelled or (as the case may be) proportionately reduced. A.D. 1893.

47. In addition to the stock which they are by this Act authorised to issue and allot in lieu of and in exchange for the stock of the Dock Company and in addition to the other moneys which they are or may be authorised to raise by this or any other Act or Acts of Parliament the Company may raise by the creation and issue of new shares or stock such sum as may be necessary for paying off the bond debts and temporary loans of the Dock Company or so much thereof as may not be paid off out of moneys raised by the Company by borrowing on mortgage or by the creation and issue of debenture stock and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone or together with any other moneys or capital which the Company may be then authorised so to raise. A statement of the amount of any capital raised under the authority of this section shall be delivered by the Company to the Commissioners of Inland Revenue duly stamped with the duty imposed by section one hundred and thirteen of the Stamp Act 1891 within one month after the date of the issue of any stock or shares representing such capital or any part thereof and in case of neglect to deliver the statement the Company shall incur a penalty equal to that imposed by that section which shall be recoverable in like manner as that penalty. Power to raise moneys for paying off debts of Dock Company.

48. In addition to the moneys which the Company are authorised to raise under the last preceding section the Company may raise for the general purposes of the dock undertaking by the creation and issue of new shares or stock the sum of two hundred thousand pounds and such new shares or stock may be created and issued either wholly or partially as ordinary or wholly or partially as preference shares or stock and either alone or together with any other moneys or capital which the Company may be then authorised so to raise. Additional capital for general dock purposes.

49. The Company shall not issue any new shares by this Act authorised nor shall any such new shares vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such new shares is paid in respect thereof. Shares not to be issued until one-fifth part thereof is paid up.

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Rights of
voting for
new shares
or stock
to be in
proportion
to the
nominal
amount
thereof.

50. The new shares or stock by this Act authorised shall unless otherwise provided by the prescribed terms of issue or creation thereof confer on the respective holders or proprietors thereof rights of voting and qualifications in proportion to the aggregate nominal value of such shares or amount of such stock and not in proportion to the number of such shares and for such purposes every entire sum of fifty pounds of such nominal value of shares or amount of stock shall be equivalent to one share or sum of fifty pounds in the capital stocks of the Company. And no shareholder shall vote or be entitled to be present at the meetings of the Company in respect of any number of such new shares or any amount of such new stock which with any other shares or stock held by him in the Company shall constitute a less interest in the capital stocks of the Company than fifty pounds in nominal value.

New pre-
ference
shares or
stock to rank
pari passu
with others
if so deter-
mined.

51. The Company may by the resolution creating or authorising the creation of any of the new preference shares or stock by this Act authorised determine that such new shares or stock shall rank pari passu with any other shares or stock of the Company of the same class created subsequently to the passing of that resolution under the powers of any existing Act or of this Act or of any subsequent Act and also if so determined with any other preference shares or stock which shall have been created and issued subject to such a contingency.

New pre-
ference
shares or
stock may
be created
subject to
redemption.

52. The Company may by the resolution creating or authorising the creation of any of the new preference shares or stock by this Act authorised attach thereto a condition that the same may be redeemed on the terms then determined and for the purpose of such redemption and for the redemption of any other shares or stock of the Company liable to be redeemed the Company may from time to time create and issue new shares or stock to an amount not exceeding the aggregate amount of the shares or stock proposed to be redeemed:

Provided that the Company may subject to the provisions of this Act attach to the new shares or stock to be created for such redemption any rights or privileges which by this Act they may attach to the shares or stock for which such new shares or stock are to be substituted but so that the dividend payable in respect thereof shall in case such new shares or stock are made preferential not exceed four pounds ten shillings per centum per annum:

For the purposes of this and the last two preceding sections of this Act new shares or stock shall not be deemed to include any stock which the Company are by this Act authorised to issue

and allot in lieu of and in exchange for the stock of the Dock
Company.

A.D. 1893.

53. The Company may in respect of the said additional capital of two hundred thousand pounds from time to time borrow on mortgage of their undertaking in addition to any other sums which they are or may be authorised to borrow by any other Act or Acts of Parliament any sum not exceeding in the whole the sum of sixty-six thousand pounds :

Power to
borrow.

But no part thereof shall be borrowed until shares for so much of the capital in respect of which it is authorised to be borrowed as is to be raised by means of shares are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the said capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

Upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

54. If any money is payable to a shareholder mortgagee or debenture stockholder in the Company 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.

55. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money or interest or principal money and interest shall be and the same is hereby repealed but

For appoint-
ment of
a receiver.

A.D. 1893. — without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision :

The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

56. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament passed prior to the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act. And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

57. All moneys raised under this Act whether by shares or stock or borrowing shall be applied only to the purposes of this Act for which they are authorised to be raised being in each case purposes to which capital is properly applicable.

Interest not to be paid on calls paid up.

58. 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.

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

59. 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.

Saving for the Postmaster General.

60. Nothing in this Act shall be deemed to impose upon the Postmaster General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the

Postmaster General and the Railway Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law. A.D. 1893.

61. 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 or 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 to be taken by the Company. Provision as to general Railway Acts.

62. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the Company. Costs of Act.

A.D. 1893.

The SCHEDULE referred to in the foregoing Act.

STATEMENT OF CAPITAL AND LOANS OF DOCK COMPANY.

	£	s.	d.
1. Convertible preference stock entitling the holders thereof to a preferential dividend at the rate of four and a quarter per centum per annum payable only out of the profits of each year - - - - -	361,616	0	0
2. Ordinary consolidated stock - - - - -	1,621,400	0	0
3. Bonds bearing interest at various rates and payable at various dates the last thereof being payable on the thirty-first day of August one thousand eight hundred and ninety-eight amounting to - - - - -	282,044	1	0
4. Debenture stock bearing interest at the rate of four and a quarter per centum per annum amounting to -	604,220	2	6
5. Debenture stock bearing interest at the rate of four per centum per annum amounting to - - - - -	699,135	16	6
6. Temporary loans amounting to about - - - - -	22,000	0	0

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