



CHAPTER cxxvii.

An Act for the abandonment of parts and extension of time A.D. 1890.
for the compulsory purchase of lands for and for the
completion of other parts of the authorised Railways of
the East and West Yorkshire Union Railways Company
and for other purposes. [25th July 1890.]

WHEREAS by the East and West Yorkshire Union Railways
Act 1883 (in this Act called "the Act of 1883") the East and
West Yorkshire Union Railways Company (in this Act called "the
Company") were incorporated for the purpose of making and main-
taining railways in the west riding of the county of York with a
share capital of one million two hundred thousand pounds and with
power to borrow not exceeding in the whole four hundred thousand
pounds :

And whereas by the East and West Yorkshire Union Railways
Act 1886 (in this Act called "the Act of 1886") the Company were
authorised to abandon certain of the railways authorised by the
Act of 1883 and to construct other railways in substitution therefor
and to execute further works including new railways Nos. 1c 1d
and 1e and a new junction railway (No. 1f) and the periods respec-
tively limited by the Act of 1883 for the compulsory purchase of
the land for and for the completion of the railways authorised by
that Act so far as the same were not authorised to be abandoned by
the Act of 1886 were extended :

And whereas by the East and West Yorkshire Union Railways
Act 1888 (in this Act called "the Act of 1888") the periods limited
for the compulsory purchase of land for and for the completion of
(A) the railways and works authorised by the Act of 1883 as
amended by the Act of 1886 and (B) the railways and works
authorised by the Act of 1886 were respectively extended as therein
mentioned :

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And whereas by the East and West Yorkshire Union Railways Act 1889 (in this Act called "the Act of 1889") the Company were (amongst other things) authorised to abandon the construction of the Railway No. 5A authorised by the Act of 1883 and their capital and borrowing powers were reduced :

And whereas the Company have issued part of their authorised capital and are proceeding with the construction of their authorised railway between the Great Northern Railway and Rothwell (consisting of part of Railway No. 1 authorised by the Act of 1883 and of Railways Nos. 1c 1d and 1e authorised by the Act of 1886) but have not purchased any lands for or commenced the construction of any other part of their authorised works :

And whereas it is expedient that the periods now limited for the compulsory purchase of lands for and for the completion of the Railway No. 1 authorised by the Act of 1883 and of the Railways Nos. 1c 1d and 1e authorised by the Act of 1886 be further extended and that the Company be authorised to abandon and relinquish the construction of the rest of their authorised railways :

And whereas by section 48 of the Act of 1883 it was provided that the sum of fifty-two thousand five hundred and forty-three pounds seventeen shillings and sixpence three pounds per centum consolidated bank annuities since converted into a like amount of two and three quarters per centum consolidated stock (hereinafter referred to as "the original deposit fund") being equal to five per centum upon the amount of the estimate in respect of the railways by that Act authorised which had been transferred into the High Court in respect of the application to Parliament for the said 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 thereby limited for the construction of the railways by that Act authorised open the same for the public conveyance of passengers :

And whereas by section 49 of the Act of 1883 it was provided that if the Company did not previously to the expiration of the period limited for the completion of the railways complete and open the same for the conveyance of passengers the deposit fund or so much thereof as should not have been paid to the depositors should be applied towards compensating landowners and other persons as therein mentioned and if no such compensation was payable or if a portion of the deposit fund had been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as might not be required as aforesaid should either be forfeited to Her Majesty or if the Company

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was insolvent and had been ordered to be wound up or a receiver had been appointed should be applied as part of the assets of the Company for the benefit of the creditors thereof:

And whereas by the Act of 1889 provision was made (section 5) for the repayment of a portion of the original deposit fund in respect of the abandonment of the said Railway No. 5A and it was further provided (section 6) that from and after such repayment as aforesaid sections 48 and 49 of the Act of 1883 should be read and have effect as if the sum of forty thousand five hundred and seventy-five pounds three shillings and sixpence stock had been the amount of the original deposit fund mentioned or referred to in the last-mentioned sections of the Act of 1883 and the said sum of forty thousand five hundred and seventy-five pounds three shillings and sixpence stock now remains deposited in the High Court as security for the completion of the railways and works authorised by the Act of 1883 as amended by the Act of 1886 and not by the Act of 1886 or the Act of 1889 required to be abandoned and such last-mentioned sum of stock and the bank annuities or other securities for or into which the same may have been or may hereafter be exchanged or converted is herein-after referred to as and severally included in the expression "the balance of the original deposit fund":

And whereas the estimates for Railways Nos. 2 4 4A and 5 authorised by the Act of 1883 which by this Act the Company are required to abandon amounted in the aggregate to six hundred and thirty-six thousand eight hundred and twenty-five pounds and of the original deposit fund the sum of thirty-one thousand four hundred and eighty-seven pounds and fourpence stock as aforesaid represents that aggregate amount:

And whereas by section 12 of the Act of 1886 it was provided that the sum of one thousand four hundred pounds (herein-after referred to as "the 1886 deposit fund") new two and a half per centum annuities being equal to five per centum upon the amount of the estimate in respect of the new junction railway (being the Railway No. 1F authorised by that Act) which had been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for the said Act should not be paid or transferred to or on the application of the depositors thereof unless the Company should previously to the expiration of the period thereby limited for the construction of the new junction railway open the same for the public conveyance of passengers:

And whereas it is expedient that subject to the provisions of this Act the sum of thirty-one thousand four hundred and eighty-seven

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pounds and fourpence stock as aforesaid part of the balance of the original deposit fund and the 1886 deposit fund or the other securities for or into which the said sum of stock and the 1886 deposit fund respectively may have been or may be exchanged or converted should be respectively returned to the depositors mentioned respectively in section 48 of the Act of 1883 and in section 12 of the Act of 1886 or their respective nominees :

And whereas by section 16 of the Act of 1883 for the protection and benefit of the Middleton Estate and Colliery Company Limited (therein and herein-after referred to as "the Middleton Company") it was provided amongst other things that the Railways No. 1 No. 2 and No. 3 by that Act authorised should not nor should any or either of them be opened for traffic without the consent in writing of the Middleton Company under their common seal unless and until Railway No. 5 by that Act authorised should have been completed and be ready for opening for traffic :

And whereas by section 69 of the Act of 1883 the agreement set forth in the Third Schedule to that Act (herein-after referred to as "the Middleton agreement of 1883") was confirmed and made binding upon the Middleton Company and the Company and by that agreement it was provided (Article 4) that it should be provided by the Bill (meaning the Act of 1883) that Railways Nos. 1 2 and 3 should not be opened for traffic until Railway No. 5 should have been completed without the consent in writing of the Middleton Company and (Article 25) that all the stipulations therein-before contained were to be considered as conditional on the special Act authorising the Railway No. 5 being obtained in the then present session of Parliament and the amount of capital thereby authorised to be subscribed being subscribed and that in case such Act should not be passed as aforesaid or the said amount of capital should not be subscribed the promoters should pay to the Middleton Company their costs charges and expenses of and incident to the preparation and execution of that agreement and a counterpart thereof and the preliminary negotiations for the same :

And whereas the whole of such costs charges and expenses have been paid by the Company to the Middleton Company :

And whereas the Company do not admit that the said section 16 of the Act of 1883 and the said Article 4 of the Middleton agreement of 1883 are now binding upon them or of any force or effect and it is expedient that in any event and the Middleton Company are willing that the Company be relieved from the restriction by the Act of 1883 and the Middleton agreement of 1883 imposed or purporting to be imposed upon them as aforesaid :

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And whereas it is expedient that the capital and borrowing powers of the Company be reduced: A.D. 1890.

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the East and West Yorkshire Union Railways Act 1890. Short title.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act. Incorporation of Part II. of Railways Clauses Act 1863.

3. In this Act the several words and expressions to which meanings are assigned by the Act 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. Interpretation.

4. The powers granted by the Act of 1883 as the same were extended by the Act of 1886 and the Act of 1888 for the compulsory purchase and taking of lands for the purposes of such and such parts of the railways and works authorised by the Act of 1883 as are not required by the Act of 1886 or the Act of 1889 or by this Act to be abandoned are hereby further extended and may be exercised at any time within but shall cease after the expiration of two years from the second day of August one thousand eight hundred and ninety. Further extending period limited for purchase of lands for certain works of 1883.

5. The period limited by the Act of 1888 for the completion of such and such parts of the railways and works authorised by the Act of 1883 as are not by the Act of 1886 or the Act of 1889 or by this Act required to be abandoned is hereby extended for a period of one year from the second day of August one thousand eight hundred and ninety-three and at the expiration of that period such powers shall cease except as regards such and such parts of the said railways and works as shall be then completed. Further extending period limited for completion of those works.

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Further
extending
period
limited for
purchase of
lands for
certain works
of 1886.

6. The powers granted by the Act of 1886 for the compulsory purchase and taking of lands for the purposes of the Railways Nos. 1c 1d and 1e authorised by that Act as the same were extended by the Act of 1888 are hereby further extended and may be exercised at any time within but shall cease after the expiration of one year from the twenty-fifth day of June one thousand eight hundred and ninety-one.

Further
extending
period
limited for
completion
of those
works.

7. The period limited by the Act of 1888 for the completion of the Railways Nos. 1c 1d and 1e authorised by the Act of 1886 is hereby extended for a period of one year from the twenty-fifth day of June one thousand eight hundred and ninety-three and at the expiration of that period such powers shall cease except as regards such and such parts of the said railways as shall be then completed.

Continuing
section 9 of
Act of 1888.

8. Notwithstanding anything in this Act the provisions of section 9 (Restrictions on displacing persons of labouring class) of the Act of 1888 shall continue in full force Provided that that section shall be read and have effect as if subsection 1 thereof had been in the following words:—

The Company shall not under the powers of the Act of 1883 or the Act of 1886 as respectively extended by the Act of 1888 and by this Act purchase or acquire ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the Act of 1883 or the Act of 1886 as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless or until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

And as if in the fourth subsection thereof the words "Any provisions of any scheme under this section or" had been inserted before the words "Any conditions" at the commencement of that subsection and as if in the first proviso to subsection 7 of the said section 9 the word "such" had been inserted before the word "dwellings."

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9. The Company may apply for any of the purposes of this Act to which capital is properly applicable any sums which by the Act of 1883 they are authorised to raise by shares stock debenture stock or borrowing and which are not by that or any subsequent Act made applicable to any special purpose or being so made applicable are not required for any such special purpose.

Power to apply money.

10. The Company shall abandon and relinquish the construction of the following authorised railways and parts of railways or some part or parts thereof respectively (that is to say):—

Company to abandon portions of authorised works.

- (1) The Railways Nos. 2 4 4A and 5 authorised by the Act of 1883 :
- (2) The Railway No. 1F authorised by the Act of 1886: and
- (3) The alteration of levels authorised by the Act of 1886 of the Railway No. 5 authorised by the Act of 1883.

11. 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 of the line of railway 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 may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Acts of 1883 1886 and 1888.

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

12. 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 railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other

Compensation to be made in respect of works abandoned.

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persons interested in such land 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 Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Providing
for release
of portion
of deposit
under Act
of 1883.

13. Subject to the provisions of this Act and of section 49 of the Act of 1883 with respect to compensation to landowners and other persons injured and for the protection of creditors in respect of the portions of railway and the railways and works (other than Railway No. 1F authorised by the Act of 1886) which the Company are by this Act authorised to abandon the High Court at any time after the passing of this Act on the application of the depositors mentioned in section 48 of the Act of 1883 may and shall order that the aforesaid sum of thirty-one thousand four hundred and eighty-seven pounds and fourpence consolidated stock as aforesaid part of the balance of the original deposit fund and the interest or dividends (if any) thereon shall be paid or transferred to such depositors or to such person or persons as they may appoint in that behalf and upon such order being made the said sum of thirty-one thousand four hundred and eighty-seven pounds and fourpence consolidated stock as aforesaid and the interest or dividends thereon shall be paid or transferred to such depositors or such person or persons accordingly.

Providing
for release
of deposit
under Act
of 1886.

14. Subject to the provisions of this Act and of section 49 of the Act of 1883 with respect to compensation to landowners and other persons injured and for the protection of creditors in respect of the Railway No. 1F authorised by the Act of 1886 which the Company are by this Act authorised to abandon the High Court at any time after the passing of this Act on the application of the depositors mentioned in section 12 of the Act of 1886 may and shall order that the 1886 deposit fund and the interest or dividends thereon shall be paid or transferred to such depositors or to such person or persons as they may appoint in that behalf and upon such order being made the said sum of one thousand four hundred pounds new two and a half per centum annuities and the interest or dividends thereon shall be paid or transferred to such depositors or such person or persons accordingly.

Repealing
restrictions
in section 16
of Act of
1883 and
Middleton
agreement
of 1883.

15. The restrictions imposed upon the Company by section 16 of the Act of 1883 and by the Middleton agreement of 1883 against opening the railways of the Company mentioned in that behalf in the said section and agreement respectively unless and until Railway No. 5 by the said Act authorised should have been completed and

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be ready for opening for traffic if and so far as those restrictions are now binding upon the Company are hereby repealed and annulled. A.D. 1890.

16. The capital of the Company is hereby reduced to the sum of one hundred and fifty thousand pounds and the amount which the Company may borrow in respect of their capital is hereby reduced to the sum of fifty thousand pounds and of that sum of fifty thousand pounds they may borrow twenty-five thousand pounds in respect of each seventy-five thousand pounds of their reduced capital. Reduction of
Company's
capital.

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

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