



CHAPTER viii.

An Act for the abandonment of parts of the Railways authorised by the South Yorkshire Junction Railway Act 1890 and for other purposes. [8th April 1897.]

A.D. 1897.

WHEREAS by the South Yorkshire Junction Railway Act 1890 (in this Act called "the Act of 1890") the South Yorkshire Junction Railway Company (in this Act called "the Company") were incorporated and empowered to construct certain railways in the west riding of the county of York :

And whereas by the Hull and Barnsley and South Yorkshire Junction Railways Act 1891 (in this Act called "the Act of 1891") the railways in the Act of 1890 called Railways Nos. 2 3 4 and 5 being part of the railways by that Act authorised were constituted a separate undertaking of the Company in the Act of 1891 and in this Act referred to as "the separate undertaking" the remainder of the railways authorised by the Act of 1890 that is to say the railways in that Act called Railways Nos. 6 7 8 and 9 being in the Act of 1891 and in this Act referred to as "the general undertaking" :

And whereas the railways constituting the separate undertaking have been duly constructed and opened for public traffic :

And whereas by the South Yorkshire Junction Railway Act 1894 (in this Act called "the Act of 1894") the time limited by the Act of 1890 for the completion of the railways constituting the general undertaking was extended for a period of three years from the 14th day of August 1895 :

And whereas by section 35 of the Act of 1890 it was provided that the sum of £8584 2s. 9d. 2 $\frac{3}{4}$ per centum Consolidated Stock part of the sum of £19,314 2s. 9d. Consolidated Stock which had been deposited in respect of the application for the said Act and being equal in value to five per centum on the amount of the estimate in respect of the railways by such Act authorised (which

A.D. 1897. sum of £8584 2s. 9d. Consolidated Stock was therein and is in this Act referred to as "the deposit fund") 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 limited by the Act of 1890 for completion of the railways open the same for the public conveyance of passengers but it was by the said section also provided that if within such period as aforesaid the Company should open any portion of the railways for the public conveyance of passengers a proportionate part of the deposit fund should as therein mentioned be paid or transferred to the depositors or as they should direct :

And whereas shortly after the railways constituting the separate undertaking were opened for public traffic the sum of £5959 Consolidated Stock part of the deposit fund was in pursuance of the provisions of the 35th section of the Act of 1890 transferred to or in accordance with the directions of the depositors and the sum of £2625 2s. 9d. Consolidated Stock the residue of the deposit fund still remains deposited :

And whereas the Company have not purchased any lands for or commenced the construction of the railways constituting the general undertaking or any part thereof and it is expedient that such railways be abandoned and the said residue of the deposit fund be released :

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

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

Short title.

1. This Act may be cited as the South Yorkshire Junction Railway Act 1897.

Abandonment of railways.

2. The Company shall abandon the construction of the Railways Nos. 6 7 8 and 9 authorised by the Act of 1890.

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

3. 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 has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Acts of 1890 and 1894.

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4. 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 to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other 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.

Compensation to be made in respect of railways abandoned.

5. Subject to the provisions of this Act and of section 36 of the Act of 1890 with respect to compensation to landowners and other persons injured and for the protection of creditors the High Court at any time after the passing of this Act on the application of the depositors mentioned in section 35 of the Act of 1890 or the majority of them may and shall order that the aforesaid sum of two thousand six hundred and twenty-five pounds two shillings and ninepence Consolidated Stock as aforesaid the balance of the original deposit fund shall be paid or transferred to them or as they shall direct and upon such order being made the said sum of two thousand six hundred and twenty-five pounds two shillings and ninepence Consolidated Stock shall be paid or transferred accordingly.

Providing for release of residue of deposit under Act of 1890.

6. All costs charges and expenses of and incident to the preparing and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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