CHAPTER cxxi.

An Act for the Abandonment of part of the authorised Railways of the East and West Yorkshire Union Railways Company and for other purposes. A.D. 1889.

[12th August 1889.]

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 maintaining 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 and the periods respectively 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 the railways and works authorised by the Act of 1883 as amended by the Act of 1886 were respectively extended as therein mentioned:

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 at Lofthouse and Rothwell but have not purchased any lands for or commenced the construction of any other part of their authorised works:

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And whereas the railways authorised by the Act of 1883 included a Railway No. 5A one furlong and three and a quarter chains or thereabouts in length to be situate wholly in the town of Leeds and the estimate for which as deposited in Parliament was two hundred and forty-two thousand and sixty-seven pounds the estimate for the whole of the railways authorised by the Act of 1883 being one million sixty-two thousand seven hundred pounds:

And whereas by the Act of 1888 the Company were authorised to constitute the said Railway No. 5A a separate undertaking with a separate and distinct capital proprietary and borrowing powers:

And whereas it is expedient that the Company be authorised to abandon the said Railway No. 5A and that their capital and borrowing powers under the Act of 1883 be reduced:

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 cent. consolidated stock and herein-after 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 Chancery Divison of the High Court of Justice in England 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 of the original deposit fund the sum of eleven thousand nine hundred and sixty-eight pounds fourteen shillings consolidated stock aforesaid represents five per centum upon the estimate deposited as aforesaid for the said Railway No. 5A and it is expedient that that portion of the original deposit fund be returned as herein-after provided:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 East and West Yorkshire Union Railways Act 1889.

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Company to abandon Railway No. 5A authorised by Act of 1883.

2. The Company shall abandon and relinquish the construction of the Railway No. 5A authorised by the Act of 1883 (herein-after referred to as "the railway").

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

3. The abandonment by the Company under the authority of this Act of the railway 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 to be made in respect of works abandoned.

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 the railway 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 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 Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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

5. Subject to the provisions of this Act and of section 49 of the Act of 1883 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court of Justice 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 eleven thousand nine hundred and sixty-eight pounds fourteen shillings two and three quarters per cent. consolidated stock part of the original deposit fund and the interest or dividends (if any) thereon shall be paid or transferred to such depositors and upon such order being made the said sum of eleven thousand nine hundred and sixty-eight pounds fourteen shillings stock and the interest or dividends thereon shall be paid or transferred to such depositors accordingly.

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Amending sections 48 and 49 of the Act of 1883.

6. From and after the payment or transfer as provided by the last preceding section of the said sum of eleven thousand nine hundred and sixty-eight pounds fourteen shillings stock aforesaid part of the original deposit fund sections 48 and 49 of the Act of 1883 shall be read and have effect as if the said Railway No. 5A had not been authorised by the Act of 1883 and as if the sum of forty thousand five hundred and seventy-five pounds three shillings and sixpence stock aforesaid the balance of the original deposit fund and no more had been the amount of the deposit fund mentioned or referred to in those sections.

Reduction of Company's capital.

7. The capital of the Company is hereby reduced to the sum of nine hundred thousand pounds and the amount which the Company may borrow in respect of their capital is hereby reduced to the sum of three hundred thousand pounds and of that sum of three hundred thousand pounds they may borrow one hundred thousand pounds in respect of each three hundred thousand pounds of their reduced capital.

Saving sections 11 12 and 13 of Act of 1888.

8. Nothing in this Act shall alter or affect the provisions of sections 11 12 and 13 of the Act of 1888 except so far as they relate to the said Railway No. 5A.

Provision as to general Railway Acts.

9. 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 and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by any Act relating to the Company.

Costs of Act.

10. 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.

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T. Digby Pigott, Esq., the Queen's Printer of Acts of Parliament.

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