CHAPTER xiii.

An Act for the Abandonment of the Undertaking of the Hull and North Western Junction Railway Company. A.D. 1894.

[1st June 1894.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 the Hull Barnsley and West Riding Junction Railway and Dock Company (in this Act called "the Hull Company") were incorporated for the purpose amongst other things of constructing and maintaining railways in the west riding of the county of York and thence to Hull with a dock and other works in connexion therewith at Hull:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 (herein-after called "the Act of 1882") the Hull Company were authorised amongst other things to extend their railway to Huddersfield and Halifax:

And whereas by the Act of 1882 the periods for the compulsory purchase of lands for and for the completion of the railways thereby authorised were respectively limited to three years and five years from the passing of that Act which received the Royal Assent on the eighteenth day of August one thousand eight hundred and eighty-two:

And whereas by the Hull Barnsley and West Riding Junction Railway and Dock Act 1885 (herein-after called "the Act of 1885") the periods respectively limited as aforesaid for the compulsory purchase of lands for and for the completion of the railways authorised by the Act of 1882 were respectively extended for two years and three years:

And whereas by the Hull and North Western Junction Railway Act 1887 (herein-after called "the Act of 1887") the Hull and North Western Junction Railway Company (herein-after called "the Company") were incorporated and the powers of the Hull Company

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(other than those relating to the raising of money and the levying of tolls and charges) in relation to—

(1) So much of the Railway No. 1 authorised by the Act of 1882 as would lie to the eastward of the point of junction therewith of the Railway No. 1c authorised by the Act of 1882 and

(2) The whole of Railway No. 1A and Railway No. 1c authorised by the Act of 1882

(which portion of Railway No. 1 and Railways Nos. 1A and 1c are herein-after referred to collectively as "the Company's original railway") and any lands required for the purposes thereof were transferred to the Company:

And whereas by the Act of 1887 the periods respectively limited for the compulsory purchase of lands for and for the completion of the Company's original railway were further extended for two years:

And whereas by the Hull and North Western Junction Railway Act 1890 (herein-after called "the Act of 1890") the Company were authorised to construct a deviation railway (herein-after called "the deviation railway") commencing and terminating respectively by junctions with Railways Nos. 1c and 1 authorised by the Act of 1882 and to abandon so much of those last-mentioned railways as would lie between the commencement and termination of the deviation railway:

And whereas by the Act of 1890 the powers granted and the time limited for the compulsory purchase of lands for the portions of the Company's original railway not authorised to be abandoned under that Act being (1) so much of Railway No. 1 authorised by the Act of 1882 as lies or will lie to the eastward of the junction therewith of the deviation railway and (2) the whole of Railway No. 1A authorised by the Act of 1882 and (3) so much of Railway No. 1c authorised by the Act of 1882 as lies or will lie to the north-westward of the commencement of the deviation railway (herein-after referred to as "the unabandoned portion of the Company's original railway") were respectively revived and extended for a period of two years from the passing of that Act (which received the Royal Assent on the fourteenth day of August one thousand eight hundred and ninety) and the time for the completion of the unabandoned portion of the Company's original railway was extended for a period of two years from the eighteenth day of August one thousand eight hundred and ninety-two:

And whereas by the Act of 1890 the periods for the compulsory purchase of lands for and for the completion of the deviation railway

were respectively limited to three years and four years from the passing of that Act:

And whereas by the Hull and North Western Junction Railway (Extension of Time) Act 1892 (herein-after called "the Act of 1892") the periods for the compulsory purchase of lands for and for the completion of the unabandoned portion of the Company's original railway were extended till the fourteenth day of August one thousand eight hundred and ninety-four and the eighteenth day of August one thousand eight hundred and ninety-six respectively and the periods for the compulsory purchase of lands for and for the completion of the deviation railway were extended till the fourteenth day of August one thousand eight hundred and ninety-five and the fourteenth day of August one thousand eight hundred and ninety-six respectively:

And whereas the Company have not raised any portion of their capital or borrowed any money on mortgage or exercised any of their powers for the compulsory purchase of lands for or for the execution of either the unabandoned portion of their original railway or the deviation railway and it is expedient that the undertaking of the Company be abandoned that their affairs be wound up and that the Company be dissolved:

And whereas by section 33 of the Act of 1887 after reciting that of the three pounds per centum consolidated bank annuities forming the railway deposit fund referred to in sections 48 and 49 of the Act of 1882 the sum of twenty-three thousand four hundred and eighty-two pounds nineteen shillings represented the sum deposited in respect of the Company's original railway it was enacted that the provisions of sections 48 and 49 of the Act of 1882 should cease to apply to the said sum of twenty-three thousand four hundred and eighty-two pounds nineteen shillings three pounds per centum consolidated bank annuities (in the Act of 1887 and herein-after called "the suspended fund") and that the suspended fund should not be applicable towards compensating landowners and others injuriously affected or be forfeited or be transferred and applied in manner provided by section 49 of the Act of 1882 and in lieu of the provisions of the said sections 48 and 49 of the Act of 1882 provision was made for the suspended fund remaining deposited as security for the completion of the Company's original railway and by section 34 of the Act of 1887 provision was made for the application of the suspended fund in the event of the Company failing previously to the expiration of the period limited for the completion of the Company's original railway as extended by that Act to complete and open the same for the conveyance of public traffic:

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And whereas by the Act of 1890 after reciting that the said sum of twenty-three thousand four hundred and eighty-two pounds nineteen shillings three pounds per centum consolidated bank annuities had been converted into a like amount of two-and-three-quarters per cent. consolidated stock and that the estimate of expense of the deviation railway was less by thirty-five thousand nine hundred and ninety pounds than the estimate of expense of the portions of railway by that Act authorised to be abandoned it was enacted (section 20) that for the purposes of section 33 of the Act of 1887 the deviation railway should be deemed to be part of the railway referred to in the said section 33 and that so much of the suspended fund as was not to be re-transferred to the depositors under the provisions of the Act of 1890 should be deemed to include five per centum upon the amount of the estimate in respect of the deviation railway Provided always that for the purposes of the said section 33 the period limited for the completion of the railway should be deemed as regards the deviation railway to be the period of four years from the passing of the Act of 1890 and by section 21 of that Act provision was made for the transfer to the depositors of one thousand seven hundred and ninety-nine pounds ten shillings two-and-three-quarters per cent. consolidated stock part of the suspended fund representing at the price at which the three pounds per centum consolidated bank annuities originally forming the suspended fund were purchased five per centum on the sum of thirty-five thousand nine hundred and ninety pounds being the difference as aforesaid between the estimated cost of the deviation railway and the estimated cost of the portions of the Company's original railway to be abandoned under that Act and the interest and dividends on the said sum of one thousand seven hundred and ninety-nine pounds ten shillings stock as aforesaid :

And whereas by the Act of 1892 after reciting that of the balance remaining on the fifth day of December one thousand eight hundred and ninety-one of the suspended fund the sum of ten thousand one hundred and seventy pounds seven shillings consolidated stock represented the deposit in respect of the unabandoned portion of the Company's original railway (which last-mentioned sum of stock with the interest and dividends accrued and to accrue thereon subsequently to the said fifth day of December one thousand eight hundred and ninety-one is therein and herein-after referred to as "the stock remaining deposited in respect of the "unabandoned portion of the Company's original railway") and the sum of eleven thousand five hundred and thirteen pounds two

shillings consolidated stock represented the deposit in respect of the deviation railway (which last-mentioned sum of stock with the interest and dividends accrued and to accrue thereon subsequently to the said fifth day of December one thousand eight hundred and ninety-one is therein and herein-after referred to as "the stock "remaining deposited in respect of the deviation railway") section 34 of the Act of 1887 was (section 10) repealed and in lieu thereof it was enacted that if the Company did not previously to the expiration of the periods respectively limited for the completion of the unabandoned portion of the Company's original railway or as the case may be of the deviation railway complete and open the said portion of railway or the deviation railway as the case may be for the conveyance of passengers then that so much of the stock representing the unabandoned portion of the Company's original railway or as the case may be so much of the stock representing the deviation railway or so much of the said stocks respectively as should not have been transferred to the depositors referred to in section 33 of the Act of 1887 should be applicable towards compensating any landowners or other persons whose property should have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said portion of railway or the deviation railway (as the case may be) or any portion or portions thereof respectively or who should have been subjected to injury or loss as therein mentioned and for which injury or loss no compensation or inadequate compensation had been paid and that if no such compensation should be payable or if a portion of the respective stock should have been found sufficient to satisfy all just claims in respect of such compensation then that the respective stocks or such portions thereof respectively as might not be required as aforesaid should if a receiver had been appointed or the Company were insolvent or the undertaking had been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application should be repaid or re-transferred to the said depositors:

And whereas it is expedient that provision be made for the repayment to the depositors of the stock remaining deposited in respect of the unabandoned portion of the Company's original railway and the stock remaining deposited in respect of the deviation railway (which stocks are herein-after collectively called "the balance of the suspended fund"):

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

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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 Hull and North Western Junction Railway (Abandonment) Act 1894.

Abandonment of works.

2. The Company shall abandon and relinquish the construction of the unabandoned portion of the Company's original railway and the deviation 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 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 1882 1885 1887 1890 and 1892.

Compensation to be made in respect of portions of railways 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 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.

Providing for release of balance of suspended fund.

5. Subject to the provisions of this Act and of section 10 of the Act of 1892 with respect to compensation to landowners or 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 33 of the Act of 1887 may order that the balance of the suspended fund shall be paid or transferred to such depositors or to such other person or persons corporation or company as they may nominate in that behalf and upon such order being made the balance of the suspended fund shall be paid or transferred to such depositors or person or persons corporation or company accordingly.

Company to wind up their affairs.

6. Forthwith after the passing of this Act the Company shall proceed to wind up their affairs and shall to the extent of their assets pay satisfy and discharge all their debts liabilities and engagements.

Dissolution of Company.

7. When all the debts liabilities and engagements of the Company are to the extent of their assets paid satisfied or discharged and the affairs of the Company are wound up the Company shall be by this Act dissolved and shall thenceforth wholly cease to exist and the recited Acts of 1887 1890 and 1892 shall be by this Act repealed but not so as to revive in favour of or against the Hull Company any powers rights privileges or authorities of that Company or any interests agreements or benefits or liabilities of or under agreements which by the Act of 1887 were transferred to vested in or imposed upon the Company.

Expenses of Act.

8. 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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