CHAPTER xlii.

A.D. 1899.

An Act to authorise the Hull Barnsley and West Riding Junction Railway and Dock Company to abandon certain of their authorised works and to confer further powers upon that Company and for other purposes.

[20th June 1899.]

WHEREAS by the Hull Barnsley and West Riding Junction Railway and Dock Act 1880 (in this Act called "the Act of 1880") the Hull Barnsley and West Riding Junction Railway and Dock Company (in this Act called "the Company") were incorporated for the purpose of making and maintaining certain railways and other works in the east and west ridings of the county of York and in the town and county of the town of Kingston-upon-Hull:

And whereas it is expedient that the construction of the portion herein-after mentioned of Railway No. 5c and the Railway No. 2B respectively authorised by the Act of 1880 be abandoned:

And whereas it is expedient that the Company be authorised to purchase and acquire the additional lands herein-after described and to exercise the other powers in this Act specified:

And whereas it is expedient that the Company should be empowered with the consent of the committee of the Railway Clearing System Superannuation Fund Association to make special payments to that fund in the case of officers and servants of the Company being contributing members of the fund:

And whereas plans showing the lands required for the purposes of this Act and a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the west riding of the county of York and are herein-after referred to as "the deposited plans and book of reference":

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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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Hull Barnsley and West Riding Junction Railway and Dock (Various Powers) Act 1899.

Incorporation of general Acts.

2. The Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 are (so far as they are applicable for the purposes of and are not inconsistent with or expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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

Company to abandon certain railways authorised by Act of 1880.

4. The Company shall abandon the construction of—

(1.) So much of Railway No. 5c authorised by the Act of 1880 as lies to the westward of the east side of Stoneferry Road in the parish of Sculcoates in the city and county of Kingston-upon-Hull in the east riding of the county of York together with the bridge authorised to be constructed over that road for the purposes of the said Railway No. 5c;

(2.) The Railway No. 2b authorised by the Act of 1880.

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

5. The abandonment by the Company under the authority of this Act of the railway and portion of railway mentioned in the last preceding section 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 Act of 1880.

Compensation to be made in respect of works abandoned.

6. 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 or portion of railway 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.

Power to Company to take additional lands.

7. The Company may enter upon and take by compulsion or agreement and may appropriate and use for any of the extraordinary purposes mentioned in section forty-five of the Railways Clauses Consolidation Act 1845 and for any other purposes of the Company's undertaking all or any of the lands following delineated on the deposited plans and described in the deposited book of reference and any outstanding estates or interests in any such lands (that is to say) :—

Certain lands in the township or parish of North Elmsall in the rural district of Hemsworth in the west riding of the county of York adjoining the Company's railway and the railway of the South Yorkshire Junction Railway Company on the south-east and extending from Sheepwalk Lane for a distance of fourteen chains or thereabouts and certain lands in the township or parish of Carlton in the rural district of Selby in the said west riding situate on both sides of the Company's railway at or near to the crossing at Carlton mentioned in the next following section of this Act.

Power to divert footpath &c. in parish of Carlton.

8. Subject to the provisions of this Act the Company may in manner shown on the deposited plans divert the footpath and occupation crossing which cross on the level the Company's main line of railway in the said parish of Carlton immediately to the west of Carlton Station and upon completion of such diversion all public and other rights in over or affecting so much of the said footpath and occupation crossing as will be rendered unnecessary by the said diversion shall be extinguished and the site and soil thereof be by this Act vested in the Company.

Additional or contingent rates of

9. From and after the passing of this Act the additional or contingent rates of interest payable under the provisions of the Hull

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interest on second debenture stock to be paid out of profits of each half-year.

Barnsley and West Riding Junction Railway and Dock Act 1889 on the second debenture stock of the Company created by that Act shall accrue and be payable not in respect of the whole year ending the thirty-first day of December but in respect of the two half-years ending respectively the thirtieth day of June and the thirty-first day of December in each year and the Company shall accordingly pay one-half of such additional contingent interest out of the net revenue of each half-year and in the event of the net revenue in any half-year ending the thirtieth day of June being insufficient to pay the full amount of such additional or contingent interest for such half-year the Company shall pay the deficiency out of the net revenue of the ensuing half-year ending the thirty-first day of December if the profits of the whole year ending on such thirty-first day of December are sufficient for the payment thereof.

Dividends on preference stock to be paid out of profits of each half-year.

10. From and after the passing of this Act the directors of the Company may if they so think fit from time to time by resolution determine that the dividends on their preference stock shall be paid not in respect of the whole year ending the thirty-first day of December but in respect of the two half-years ending respectively the thirtieth day of June and the thirty-first day of December in each year and in the event of their so determining one-half of the preferential dividend shall be paid out of the net revenue of each half-year and in the event of the net revenue in any half-year ending the thirtieth day of June being insufficient to pay the full amount of one-half of such preferential dividend the deficiency shall be paid out of the net revenue of the ensuing half-year ending the thirty-first day of December if the profits of the whole year ending on such thirty-first day of December are sufficient for the payment thereof.

Special contributions to Railway Clearing System Superannuation Fund.

11. The directors of the Company may from time to time with the consent of the committee of the Railway Clearing System Superannuation Fund Association make special contributions or subscriptions to the said fund in the case of any officers or servants of the Company being contributing members of the said fund and as part of or in connection with such contributions or subscriptions may if they think fit agree to pay and pay the whole or any part of any surcharge or additional percentage on the salaries of any such officers or servants over and above the ordinary percentage rate upon such salaries which under the rules of the said association then in force may be or become payable by reason of the age of such officers or servants at the time of their having

become or becoming contributory members of the said fund or otherwise.

Restriction on taking houses of labouring class.

12. The Company shall not under the powers of this Act purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses in any parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

If the Company purchase or acquire any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

For the purpose of this section the expression "labouring class" means mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to apply funds.

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

Provision as to general Railway Acts.

14. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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.

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Costs of Act.

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

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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