CHAPTER xxxi.

An Act to authorise the abandonment of a portion of the undertaking of the Scarborough Bridlington and West Riding Junction Railways Company and for other purposes. [11th June 1891.] A.D. 1891.

WHEREAS the Scarborough Bridlington and West Riding Junction Railways Company (hereinafter called "the Company") was by the Scarborough Bridlington and West Riding Junction Railways Act 1885 (hereinafter called "the Act of 1885") incorporated with a share capital of six hundred and forty-eight thousand pounds in thirty-two thousand four hundred shares of twenty pounds each and with power to borrow on mortgage any sums not exceeding in the whole two hundred and sixteen thousand pounds and empowered to construct the railways therein described as Railways No. 1 and No. 2 in the North and East Ridings of the county of York: 48 & 49 Vict. c. clxxxi.

And whereas by the Scarborough Bridlington and West Riding Junction Railways Act 1888 (hereinafter called "the Act of 1888") the Company was authorised to abandon the construction of a portion of the said Railway No. 1 and to make instead a railway therein described in the East Riding of the county of York and the share capital of the Company was reduced to four hundred and fifty thousand pounds and the sum which they were by the Act of 1885 authorised to borrow on mortgage was reduced to one hundred and fifty thousand pounds: 51 & 52 Vict. c. xxx.

And whereas the Company are unable to raise the money required for constructing the said portion of railway authorised by the Act of 1885 and not abandoned by the Act of 1888 and the said railway authorised by the Act 1888 to be constructed and it is expedient that the said portion of railway and railway be abandoned:

And whereas the Company have completed and opened the said Railway No. 2 for the public conveyance of passengers and it is

A.D. 1891.

expedient that the powers of the Company of raising share capital and borrowing money on mortgage for the purposes of that railway be defined as by this Act provided:

And whereas there is now standing in the name of the Paymaster-General for and on behalf of the Supreme Court as security for the completion of the said portion of railway and railway by this Act authorised to be abandoned a sum of ten thousand five hundred and twenty-six pounds seven shillings and one penny new two and a half pounds per centum annuities (part of the sum of thirty-five thousand three hundred and seventy-five pounds two shillings and a penny like annuities referred to in sections thirty-three and thirty-four of the Act of 1885 and sections nineteen and twenty of the Act of 1888) whereof seven thousand four hundred and forty-six pounds nineteen shillings and fivepence new two and a half pounds per centum annuities represents the portion which is payable or applicable in respect of the said portion of railway by this Act authorised to be abandoned and three thousand and seventy-nine pounds seven shillings and eight pence new two and a half pounds per centum annuities represents the portion which is payable or applicable in respect of the said railway by this Act authorised to be abandoned and it is expedient that such provisions as are hereinafter contained be made with reference to the payment and transfer to the persons referred to in the Act of 1885 and the Act of 1888 as the depositors or the executors or administrators of the survivor of them or their assigns or to such person or persons as they or he may appoint in that behalf of the said sum of ten thousand five hundred and twenty-six pounds seven shillings and one penny new two and a half pounds per centum annuities (which sum is hereinafter referred to as "the deposit fund"):

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 (that is to say):—

Short title.

1. This Act may be cited as the Scarborough Bridlington and West Riding Junction Railways Act 1891.

Company to abandon portion of authorised railway.

2. The Company shall abandon the making of so much of Railway No. 1 authorised by the Act of 1885 as was not authorised by the Act of 1888 to be abandoned and the railway authorised by the Act of 1888 to be made.

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

3. The abandonment by the Company under the authority of this Act of the said portion of railway and railway hereby authorised to be abandoned 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 lines 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 the Act of 1885 or the Act of 1888.

Compensation to be made in respect of railway 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 said portion of railway or railway hereby authorised to be abandoned 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 of 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.

Release of deposit.

5. Subject to the provisions of this Act and of section thirty-four of the Act of 1885 and section twenty of the Act of 1888 with respect to compensation to landowners and other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by the persons referred to in section thirty-four of the Act of 1885 as the depositors or the executors or administrators of the survivor of them or their assigns order the deposit fund and the interest or dividends thereon to be paid or transferred to the depositors or the executors or administrators of the survivor of them or their assigns or as they or he may appoint and upon such order being made the deposit fund and the interest or dividends thereon shall be paid or transferred accordingly.

Reduction of capital.

6. From and after the passing of this Act section seven of the Act of 1885 and section twenty-three of the Act of 1888 shall be

A.D. 1891.

read and have effect as if the sum of two hundred and fifty thousand pounds had been mentioned therein respectively instead of six hundred and forty-eight thousand pounds and four hundred and fifty thousand pounds and as if the number of shares in those sections mentioned had been twelve thousand five hundred instead of thirty-two thousand four hundred and twenty-two thousand five hundred respectively.

Reduction of borrowing powers of Company.

7. From and after the passing of this Act section twenty-four (power to borrow in respect of reduced capital) of the Act of 1888 shall be read and have effect as if eighty-three thousand three hundred and thirty-three pounds were therein substituted for one hundred and fifty thousand pounds and as if eleven thousand three hundred and thirty-three pounds were therein substituted for seventy-eight thousand pounds.

Repeal of provisions of Acts and annulling agreement relating to abandoned railway.

8. The agreement dated the twenty-sixth day of March one thousand eight hundred and eighty-five for the working of the Company's railways by the North-Eastern Railway Company scheduled to and confirmed by the Act of 1885 shall be read and have effect as if Railway No. 1 by that Act authorised had not been authorised to be made and the Act of 1888 had not been passed and subject to the provisions of this Act all the provisions of the Act of 1885 and the Act of 1888 relating to the portion of railway and railway by this Act authorised to be abandoned are hereby repealed.

Costs of Act.

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

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