



CHAPTER ccxxii.

An Act to empower the Hull and North-western Junction Railway Company to deviate certain parts of the Railways Nos. 1 and 1c authorised by the Hull Barnsley and West Riding Junction Railway and Dock (New Works) Act 1882 to revive the powers and extend the time for the purchase of lands for and to extend the time for the completion of the remainder of the said Railways Nos. 1 and 1c and the Railway No. 1A authorised by the said Act of 1882 and for other purposes. [14th August 1890.] A.D. 1890.

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 18th day of August 1882 :

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

A.D. 1890. — 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 with a share capital of five hundred and forty thousand pounds and with power to borrow not exceeding one hundred and eighty thousand pounds and the powers of the Hull Company (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 authorised railway") and any lands required for the purposes thereof were transferred to the Company but the Company have not yet raised any portion of their capital or borrowed any money on mortgage or exercised their powers for the compulsory purchase of lands for or for the execution of their authorised railway :

And whereas it is expedient that the Company should be authorised to construct the deviation railway by this Act authorised and to abandon the construction of so much of Railways Nos. 1c and 1 authorised by the Act of 1882 as will be rendered unnecessary by the construction of the said deviation railway :

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 authorised railway were respectively further extended for two years and the extended period for the purchase of lands expired on the eighteenth day of August one thousand eight hundred and eighty-nine and the extended period for the completion of the railway will expire on the eighteenth day of August one thousand eight hundred and ninety-two and it is expedient that the powers of the Company for such compulsory purchase of lands be revived so far as regards lands required for the portions of the Company's authorised railway not to be abandoned under this Act (herein-after referred to as "the unabandoned portion of the Company's authorised railway") and the period for the exercise of those powers extended and that the period for the completion of the

unabandoned portion of the Company's authorised railway be also extended : A.D. 1890.

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 authorised 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 authorised railway :

And whereas by section 34 of the Act of 1887 it was provided that if the Company did not previously to the expiration of the period limited for the completion of the Company's authorised railway as extended by that Act complete and open the same for the conveyance of public traffic then that the suspended fund or so much thereof as should not have been transferred to the depositors 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 railway or who should have been subjected to injury or loss 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 suspended fund should have been found sufficient to satisfy all just claims in respect of such compensation then the suspended fund or such portion thereof as might not be required as aforesaid should either be forfeited to Her Majesty or if the Company were insolvent and had been ordered to be wound up or a receiver had been appointed should be applied as assets of the Company for the benefit of their creditors :

And whereas the said sum of twenty-three thousand four hundred and eighty-two pounds nineteen shillings three pounds per centum

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A.D. 1890. — consolidated bank annuities has been converted into a like amount of two-and-three-quarters per cent. consolidated stock :

And whereas the estimate of expense of the railway by this Act authorised is less by thirty-five thousand nine hundred and ninety pounds than the estimate of expense of the portions of railway by this Act authorised to be abandoned and it is expedient that a sum equal to five per cent. on that amount should be re-transferred out of the suspended fund to the depositors :

And whereas it is expedient that the railway by this Act authorised should for the purposes of section 33 of the Act of 1887 be deemed to be part of the railway referred to in the said section and that the balance of the suspended fund should become applicable to and remain deposited as security for the completion of the railway by this Act authorised and of the unabandoned portion of the Company's authorised railway :

And whereas it is expedient that the Company and the other companies herein-after in that behalf mentioned be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the line and levels of the deviation railway authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are herein-after respectively referred to as the deposited plans sections and books of reference :

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 Hull and North-western Junction Railway Act 1890.

Incorporation of general Acts.

2. The provisions of the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses

Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1890.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railway" means the railway by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. Interpretation.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper bridges viaducts rails sidings tunnels junctions stations approaches roads buildings yards and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act will be situate in the West Riding of the county of York and is— Power to make railway.

A deviation railway five miles seven furlongs and one chain or thereabouts in length commencing by a junction with the Railway No. 1c authorised by the Act of 1882 and terminating by a junction with the Railway No. 1 authorised by the Act of 1882.

5. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. Lands for extraordinary purposes.

6. The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 both inclusive shall so far as the same are applicable apply to the aqueducts mains and pipes of the following bodies namely the Dewsbury and Heckmondwike Waterworks Board the mayor aldermen and burgesses of the borough of Dewsbury and the Heckmondwike Local Board and For the protection of the aqueducts and mains of the Dewsbury and Heckmondwike Waterworks Board and other bodies.

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A.D. 1890. whenever in those sections the word "company" or "society" is used the same shall for the purposes of this Act be held to extend to and include the said board corporation and local board respectively.

For the protection of the London and North-western Railway Company.

7. The following provisions for the protection of the London and North-western Railway Company (in this section referred to as "the North-western Company") shall apply and have effect:—

- (1.) The junction of the deviation railway by this Act authorised with the Railway No. 1c authorised by the Act of 1882 shall unless otherwise agreed between the Company and the North-western Company be made at the point of junction as shown upon the deposited plans ;
- (2.) All works affecting the lands railways or other property of the North-western Company shall be constructed according to plans sections and specifications to be previously submitted to and approved by and to the reasonable satisfaction of the principal engineer of the North-western Company Provided always that if the said engineer shall for the space of one month neglect or refuse to approve the said plans sections and specifications or shall disapprove the same then according to such plans sections and specifications as shall be approved by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either the Company or the North-western Company ;
- (3.) The Company shall not without in every case obtaining the previous consent of the North-western Company in writing under their common seal take use enter upon or interfere with any of the land railway works or property from time to time belonging to or in the possession or under the power of the North-western Company except only such part or parts of their said lands as it shall be necessary for the Company to take use enter upon or interfere with for the purposes of effecting the junction of the deviation railway hereby authorised with the Railway No. 1c authorised by the Act of 1882 and of constructing the deviation railway by this Act authorised for a distance of 150 yards south of the said junction and the Company shall not purchase or take any land or property of the North-western Company but may purchase and take and the North-western Company may and shall sell and grant accordingly an easement or right of using the same for the purposes aforesaid ;
- (4.) The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free unin-

interrupted and safe use of the Kirkburton Branch Railway of the North-western Company or any traffic thereon ; A.D. 1890.

- (5.) The Company shall bear and on demand pay to the North-western Company the expense of the employment by the North-western Company during the execution of the works affecting the said railway of the North-western Company of a sufficient number of inspectors and watchmen to be appointed by the North-western Company for watching their said railway and the works connected therewith with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors with reference thereto or otherwise ;
- (6.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any of those works or any act or omission of the Company or of their contractors or otherwise the said railway of the North-western Company or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the North-western Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction and if any interruption or interference shall be occasioned to the traffic of the North-western Company by reason of any of the matters or causes aforesaid the Company shall pay to the North-western Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption or interference such costs and expenses and compensation to be recoverable with full costs by the North-western Company from the Company in any court of competent jurisdiction ;
- (7.) The Company and the North-western Company may agree in writing for any variation or alteration in the works by this section provided for or in the manner in which the same shall be executed ;
- (8.) Any dispute or difference arising under this section shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

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Period for compulsory purchase of lands.

Inclination of roads.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

9. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
19	Kirkheaton	Private Road	1 in 8
39A	Thornhill	Private Road	1 in 11
124	Thornhill	Private Road	1 in 8

Power to divert road as shown on deposited plans.

10. The Company may divert the public highway numbered on the deposited plans 37 in the parish of Thornhill in the manner shown on the deposited plans and sections and when and as the new portion of road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road And when and so soon as the said road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purpose of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to take easements &c. by agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of

12. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of certain of the houses or

other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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 certain lands
 and build-
 ings.

13. Where the railway is shown upon the deposited plans and sections as intended to be constructed in tunnel at a depth of fifty feet or upwards below the surface of the ground the Company may purchase and acquire an easement or right of constructing and using the tunnel through or under any lands or hereditaments described in the Second Schedule to this Act without being obliged to purchase the land over such tunnel or any houses buildings manufactories and premises thereon respectively unless the jury or the arbitrators or their umpire to whom the question of disputed compensation is submitted shall determine that such right or easement cannot be acquired or used by the Company without material detriment to the remainder of such lands or hereditaments Provided that nothing in this section contained nor any dealing with any lands and hereditaments in pursuance thereof shall relieve the Company from liability to compensation under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any lands or hereditaments through or under which the Company may purchase or acquire an easement or right of constructing and using the tunnel.

Power to
 acquire
 easements
 for con-
 structing
 tunnel.

14. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses buildings and works so situated that a vertical line passing through any part of such house building or work will pass within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Therefore the

Company
 empowered
 or may be
 required to
 underpin or
 otherwise
 strengthen
 houses near
 railway.

A.D. 1890' Company at their own costs and charges may and if required by the owners and lessees of any such house building or work shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house building or work so intended or so required to be underpinned or otherwise strengthened ;
- (2.) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company ;
- (3.) If any owner lessee or occupier of any such house building or work or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade ;
- (4.) Such referee shall forthwith upon the application of either party proceed to inspect such house building or work and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house building or work ;
- (5.) The cost of the reference shall be in the discretion of the referee ;
- (6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house building or work for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment ;
- (7.) If in any case in which any house building or work shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house building or work against further injury arising from the execution or

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use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house building or work for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof ;

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 or under any other Act ;

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation Act 1845 ;

(10.) Nothing in this section shall repeal or affect the application of the ninety-second section of the Lands Clauses Consolidation Act 1845.

15. The Company shall abandon and relinquish the construction of so much and such parts of Railways No. 1c and No. 1 authorised by the Act of 1882 as lies or lie between the commencement and termination of the deviation railway authorised by this Act.

Company to abandon portions of authorised lines.

16. 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 and 1887.

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

17. 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

Compensation to be made in respect of portions of

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railway
abandoned.

Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands 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.

Reviving
powers and
extending
period limited
for purchase
of lands for
unabandoned
works.

18. The powers granted by the Act of 1882 as amended by the Acts of 1885 and 1887 for the compulsory taking and purchase of lands for the purposes of the unabandoned portion of the Company's authorised railway are hereby revived and extended and may be exercised by the Company at any time within but shall not be exercised after the expiration of two years after the passing of this Act.

Extending
period
limited for
completion
of unabandoned
works.

19. The period limited by the Act of 1882 as amended by the Acts of 1885 and 1887 for the completion of the unabandoned portion of the Company's authorised railway is hereby extended for a period of two years from the eighteenth day of August one thousand eight hundred and ninety-two and if the unabandoned portion of the Company's authorised railway be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1882 as amended by the Acts of 1885 and 1887 and this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Provisions
as to deposit
fund referred
to in section
33 of
Act of 1887.

20. For the purposes of section 33 of the Act of 1887 the deviation railway authorised by this Act shall be deemed to be part of the railway referred to in the said section 33 and so much of the suspended fund as is not to be re-transferred to the depositors under the provisions of this Act shall be deemed to include five per centum upon the amount of the estimate in respect of the railway by this Act authorised. Provided always that for the purposes of the said section 33 the period limited for the completion of the railway shall be deemed as regards the deviation railway by this Act authorised to be the period of four years from the passing of this Act but nothing in this section shall prejudice or alter any right of any owner or occupier of lands or other persons injuriously

affected or any creditors to or over the suspended fund mentioned in the said section. A.D. 1890.

21. The High Court on the application of the depositors mentioned in section 48 of the Act of 1882 at any time after the date of the passing of this Act may and shall order that the sum 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 by this Act authorised and the estimated cost of the portions of the Company's authorised railway to be abandoned under this Act and the interest and dividends on the said sum of one thousand seven hundred and ninety-nine pounds ten shillings stock as aforesaid shall be paid and transferred to the depositors or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of one thousand seven hundred and ninety-nine pounds ten shillings stock as aforesaid and the interest or dividends thereon shall be paid or transferred to such person or persons accordingly.

Release of
portion of
suspended
fund.

22. If the railway is not completed within four years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion
of works.

23. For the purposes of tolls rates charges and duties and in respect of the application of the Railway and Canal Traffic Act 1888 and for all other purposes whatsoever the railway shall be deemed to be part of the Company's authorised railway.

Tolls on
railway.

24. The provisions contained in the last paragraph of section 48 of the Act of 1887 (authorising the Hull Company to run over and use the railways of the Company) and the provisions of section 51 (running powers to Midland Railway Company) of that Act shall extend and apply to the deviation railway by this Act authorised as if that railway had formed part of the undertaking of the Company as authorised by the Act of 1887.

For pro-
tection of
the Hull Com-
pany and the
Midland Rail-
way Company.

25. (1) The Company shall not under the powers of this Act or of the Act of 1882 as extended by the Acts of 1885 and 1887 and as revived or extended by this Act purchase or acquire in any city

Restrictions
on displacing
persons of
labouring
class.

A.D. 1890. — borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or in the case of lands authorised to be acquired by this Act on the fifteenth day of December last and in the case of lands the powers and the time for the acquisition of which are revived and extended by this Act on the fifteenth day of December one thousand eight hundred and eighty-one were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions if any as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or caused to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme 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.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any

A.D. 1890. — railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and other 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.

26. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by the Act of 1887 they are authorised to raise by shares debenture stock or borrowing and which are not by the Act of 1887 made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to
enter into
working
agreements.

27. The Company on the one hand and the London and North-western Railway Company and the Hull Company (herein-after called "the two companies") or either of those companies on the other hand may subject to the provisions of Part III of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say) :—

The working use management and maintenance by the two companies or either of them of the railways and works of the Company or any part or parts thereof respectively ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or any or either of them ;

A.D. 1890.

The supply and maintenance under any agreement for the railway of the Company or any part thereof being worked and used by the two companies or either of them of engines stock plant and machinery necessary for the purposes of any such agreement ;

The fixing collection payment appropriation apportionment and distribution of the tolls rates charges income and profits arising from the respective railways and works of the contracting companies or any or either of them or any part thereof ;

The employment of officers and servants ; and

The appointment of joint committees for the purposes of any such agreements.

28. During the continuance of any working agreement to be entered into under the provisions of the last preceding section of this Act the railways of the contracting companies shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of one of the contracting companies and partly on the railways of any or either of the other contracting companies for a less distance than three miles in the case of passengers and four miles in the case of animals and goods tolls and charges may only be charged as for three miles or four miles as the case may be and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of one of the contracting companies and partly on the railways of any or either of the other contracting companies.

Tolls on traffic conveyed partly on the railway and partly on other railways.

29. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and

Saving for Postmaster General.

A.D. 1890. works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the London and North-western Railway Company and as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Agreements
for working
&c. to
require
consent of
Corporation
of Hull.

30. Notwithstanding anything in this Act contained the Company shall not without the consent in writing of the mayor aldermen and burgesses of the borough of Kingston-upon-Hull enter into make or carry into effect any agreement with the Hull Company for the working management or maintenance by the Company of any part of the railway or works of the Hull Company authorised by the Act of 1880 or for any joint purse arrangement nor shall the Company without the further consent in writing of the said mayor aldermen and burgesses enter into make or carry into effect any agreement with any other Company for the transfer to or exercise by such other Company of any powers conferred on or exercisable by them under any such agreement with the Hull Company as aforesaid nor shall the Company without the consent in writing of the said mayor aldermen and burgesses make any application to Parliament for any such purposes as aforesaid :

Provided that any such consent shall not be arbitrarily or unreasonably withheld and in the event of any question arising between the Company and the said mayor aldermen and burgesses as to whether such consent was arbitrarily or unreasonably withheld such question shall be referred either to the Railway and Canal Commission or to the Board of Trade as the said mayor aldermen and burgesses may determine for their decision and the decision of such Railway and Canal Commission or of the Board of Trade as the case may be shall be conclusive in the matter it being the intention of this section that the railway of the Hull Company authorised by the Act of 1880 shall at all times be maintained as a substantially independent means of communication with the borough of Kingston-upon-Hull and the docks of the Hull Company.

Provision
as to general
Railway
Acts.

31. Nothing in this Act contained shall exempt any company in this Act mentioned or the railway of any such company 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

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Railway Act, 1890.

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 to be taken by any such company. A.D. 1890.

32. All 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. Costs of Act.

A.D. 1890.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING HOUSES BUILDINGS MANUFACTORIES AND PREMISES OF
 WHICH PORTIONS ONLY MAY BE TAKEN.

Parish or Place.	Number on deposited Plans.
Kirkheaton - - -	13.
Kirkburton - - -	22, 22A, 34, 35, 36, 102, 103, 104, and 105.
Thornhill - - -	1, 1A, 2, 3, 4, 5, 5A, 9, 10, 11, 11A, 12, 13, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 110, 111, 112 and 121.

THE SECOND SCHEDULE.

DESCRIBING LANDS HOUSES BUILDINGS MANUFACTORIES AND PREMISES
 IN RESPECT OF WHICH EASEMENTS ONLY MAY BE TAKEN.

Parish or Place.	Number on deposited Plans.
Kirkburton - - -	102, 103, 104 and 105.
Thornhill - - -	1, 1A, 2, 3, 4, 5, 5A, 6, 7, 9, 10, 11, 11A, 12, 13, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27.

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