



CHAPTER xxvii.

An Act for the abandonment of the Clay Cross Railway and for other purposes. A. D. 1905.
[30th June 1905.]

WHEREAS by the Clay Cross Railway Act 1902 (in this Act called "the Act of 1902") the Clay Cross Railway Company (hereinafter called "the Company") were incorporated and authorised to construct a railway in the county of Derby connecting the Clay Cross Collieries and Works with the Lancashire Derbyshire and East Coast Railway near Chesterfield and to raise capital for the purpose:

And whereas no part of the capital authorised by the Act of 1902 has been raised and none of the powers of that Act with respect to the purchase of land and the construction of the railway have been exercised and it is expedient that such railway be abandoned and the deposit fund referred to in the Act of 1902 should subject to the provisions hereinafter contained be repaid to the depositors and the affairs of the Company wound up and the Company dissolved:

And whereas the purposes aforesaid 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 King'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):—

1. This Act may be cited as the Clay Cross Railway (Abandonment) Act 1905. Short title.

[Price 3d.]

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Abandonment of railway.

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

2. The Company shall abandon the construction of the railway authorised by the Act of 1902 (in this Act called "the railway").

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 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 1902.

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 purchase of any land for the purposes of or in relation to the railway or any portion thereof 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.

Re-transfer of deposit under Act of 1902.

5. Subject to the provisions of this Act and of section 43 of the Act of 1902 with respect to compensation to landowners and other persons injured and for the protection of creditors the High Court may at any time after the passing of this Act on application by or on behalf of the depositors referred to in section 42 of the Act of 1902 order the sum of five thousand one hundred and nineteen pounds two and three-quarters per cent. consolidated stock being the deposit fund mentioned in the said section 42 and the interest or dividends thereon to be

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transferred and paid to the depositors or the survivors or survivor of them as they may appoint and upon such order being made the said sum of five thousand one hundred and nineteen pounds two and three-quarters per cent. consolidated stock and the interest or dividends thereon shall be transferred and paid accordingly. A.D. 1905.

6. Forthwith after the passing of this Act the directors of the Company shall proceed to wind up the affairs of the Company and shall pay satisfy and discharge all their debts liabilities and engagements and for the purposes of this Act the Company shall be deemed to have been ordered to be wound up within the meaning of section 43 of the Act of 1902. Company to wind up their affairs.

7. When all the debts liabilities and engagements of the Company shall have been paid satisfied and discharged and the affairs of the Company are wound up the Company shall be by this Act dissolved. Dissolution of Company.

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

Printed by EYRE and SPOTTISWOODE,

FOR

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