



CHAPTER cxxi.

An Act for the Abandonment of the Cheadle Railway. A.D. 1882.
[12th July 1882.]

WHEREAS by the Cheadle Railway Act 1878 (in this Act called the Act of 1878) the Cheadle Railway Company (in this Act called the Company) were (section 4) incorporated and empowered (section 5) to make and maintain the railway therein described (in this Act called the railway) from the North Staffordshire Railway at Dilhorn to Cheadle and (section 6) to raise a capital of fifty thousand pounds in shares and (section 19) to borrow not exceeding sixteen thousand six hundred pounds; 41 & 42 Vict.
c. clxviii.

And whereas by the Act of 1878 the North Staffordshire Railway Company were (section 18) authorised to subscribe any sum towards the undertaking by that Act authorised not exceeding ten thousand pounds and (section 44) to raise capital for the purposes of their subscription and (sections 41 42 and 43) provision was made in pursuance of an agreement in that behalf between the Company and the North Staffordshire Railway Company for the maintenance and user of the railway by the North Staffordshire Railway Company with and as part of their system of railways;

And whereas by the North Staffordshire Railway Act 1879 (section 30) the North Staffordshire Railway Company were empowered after they had subscribed and paid one half of the amount which they were authorised to subscribe as aforesaid to appoint a director of the Company; 42 & 43 Vict.
c. ccv.

And whereas by the North Staffordshire Railway Act 1880 (section 15) further powers were conferred on the North Staffordshire Railway Company with respect to tolls and charges on the railway; 43 & 44 Vict.
c. cxc.

And whereas about one half of the authorised capital of the Company has been agreed to be subscribed by the landowners and others interested in the district in the expectation that the North Staffordshire Railway Company would also subscribe to the extent of ten thousand pounds in pursuance of the powers in that behalf

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conferred upon them by the Act of 1878 and that important mines and minerals on and near the railway would be worked and become a source of considerable traffic to the railway and that other important pecuniary support would be forthcoming in the district;

And whereas the North Staffordshire Railway Company have not subscribed any sum towards the said undertaking in pursuance of the powers conferred upon them by the Act of 1878 and the said mines and minerals have not been worked;

And whereas by reason of the refusal of the North Staffordshire Railway Company to subscribe any sum towards the capital of the Company and the death of one of the leading promoters and directors of the Company and the collapse of an important colliery company in the district which had agreed to subscribe for shares in the capital of the Company to the amount of ten thousand pounds and also owing to the general depression in the trade of the district the Company are unable to raise the remaining funds required for the making of the railway;

And whereas none of the powers of the Act of 1878 with respect to the purchase of land and the making of the railway have been exercised and in the circumstances above recited it is expedient that the railway be abandoned and the affairs of the Company wound up and the Company dissolved;

And whereas the objects 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 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 for all purposes be cited as the Cheadle Railway (Abandonment) Act 1882.

Abandonment of railway.

2. The Company may and shall abandon the making of the railway and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed and discharged from all obligation with respect to the making and maintaining of the railway.

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

3. The abandonment of the railway by the Company under the authority of this Act 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 the line of railway and shall not prejudice or affect the right of the owner or occupier

of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have 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 1878.

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8 & 9 Vict.
c. 20.

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 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 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.

Compensation to be made in respect of railway abandoned.

8 & 9 Vict.
c. 18.

5. Subject to the provisions of section thirty-seven of the Act of 1878 with respect to compensation to landowners and other persons injured and for the protection of creditors the Chancery Division of the High Court of Justice may and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order mentioned in the thirty-sixth section of the Act of 1878 or the survivors or survivor of them by petition in a summary way order that the sum of two thousand four hundred and forty-seven pounds mentioned in the said thirty-sixth section of the Act of 1878 or the stocks or funds in which the same may have been invested and the interest or dividends thereon may be paid or transferred to the person or persons so applying 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 two thousand four hundred and forty-seven pounds or the stocks or funds in which the same may have been invested and the interest or dividends thereon shall be paid or transferred to such person or persons accordingly.

Providing for release of deposit.

6. Forthwith after the passing of this Act the Company shall proceed to wind up their affairs and shall pay satisfy and discharge all their debts liabilities and engagements and subject thereto shall distribute and pay their net moneys (if any) to and among the several persons who are or are entitled to be the registered shareholders of

Provision for winding up affairs of Company.

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Power to
Company to
pay money
into Court.

7. Provided that where the Company are for six months after the passing of this Act unable after diligent inquiry to ascertain the person to whom any part of their net moneys ought to be paid and who can give an effectual receipt for the same the Company may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

Dissolution
of Company.

8. When all the debts liabilities and engagements of the Company are paid satisfied or discharged and their net moneys are distributed in accordance with this Act 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 Act of 1878 shall be by this Act repealed.

Expenses of
Act.

9. 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.