

**CHAPTER lxxviii.**

An Act for the abandonment of the Bishop's Castle and
Montgomery Railway. A.D. 1887.
—

[5th July 1887.]

WHEREAS the Bishop's Castle and Montgomery Railway Company (hereinafter called "the Company") were incorporated by the Bishop's Castle and Montgomery Railway Act 1884 (hereinafter called "the Act of 1884") with power to make and maintain a certain railway in the counties of Salop and Montgomery for facilitating communication between the Bishop's Castle Railway and the Cambrian Railways system to purchase lands compulsorily and to raise a capital of one hundred and fifty thousand pounds by shares and to borrow a further sum of fifty thousand pounds for those purposes:

And whereas the period for the compulsory purchase of the land for such purposes was limited to three years from the passing of the Act and will expire on the 7th day of August 1887:

And whereas no part of the capital of the Company so authorised has been created or issued and none of the powers of their Act with respect to the purchase of lands and construction of the railway have been exercised and it is expedient that the construction of the said railway be abandoned 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 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):—

1. This Act may be cited as the Bishop's Castle and Montgomery Railway (Abandonment) Act 1887. Short title.

[Price 3d.]

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Railway (Abandonment) Act, 1887.

A.D. 1887.
Abandonment of railway.

2. The Company shall abandon the construction of the railway authorised by the Act of 1884 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 from all obligations with respect to the making and maintaining of the said railway.

Compensation for damage to land by entry &c.

3. The abandonment by the Company of the said railway 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 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 1884.

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 said railway or any portion thereof the 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 the 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.

Release of deposit.

5. Subject to the provisions of section thirty-five of the Act of 1884 for payment of compensation to landowners and other persons injured and for the protection of creditors the High Court of Justice in England 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 referred to in section thirty-four of the Act of 1884 or the survivors or survivor of such persons order that the sum of five thousand nine hundred and eleven pounds six shillings and sevenpence consolidated three per cent. annuities being the deposit fund mentioned in the said section or the stocks and

funds in which the same may have been invested and the interest or dividends thereon may be paid or transferred to such persons as aforesaid or to such person or persons as they may appoint in that behalf and upon such order being made the said sum of five thousand nine hundred and eleven pounds six shillings and sevenpence Consolidated three per cent. annuities or the stocks and 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. A.D. 1887.

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. Company to wind up their affairs.

7. When all the debts liabilities and engagements of the Company are paid satisfied and discharged 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 1884 shall be by this Act repealed. 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.

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By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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