

[51 & 52 VICT.]

*Rotherham and Bawtry Railway
(Abandonment) Act, 1888.*

[Ch. cc.]



CHAPTER cc.

An Act for the abandonment of the Rotherham and Bawtry Railway. A.D. 1888.
[13th August 1888.]

WHEREAS by the Rotherham and Bawtry Railway Act 1881 (in this Act called "the Act of 1881") the Rotherham and Bawtry Railway Company (in this Act called "the Company") were incorporated and empowered to make and maintain the railways in that Act described and for that purpose to raise three hundred and sixty thousand pounds by shares and one hundred and twenty thousand pounds by borrowing :

And whereas by the Rotherham and Bawtry Railway Act 1882 (in this Act called "the Act of 1882") the Company were empowered to make and maintain the railways in that Act described and to abandon part of the railways authorised by the Act of 1881 and by the Act of 1882 the Company were authorised to raise additional capital to the amount of fifty thousand pounds by shares and sixteen thousand six hundred pounds by borrowing :

And whereas by the Rotherham and Bawtry Railway Act 1884 (in this Act called "the Act of 1884") the Company were authorised to raise additional capital to the amount of seventy-five thousand pounds by shares and twenty-five thousand pounds by borrowing :

And whereas by the Rotherham and Bawtry Railway Act 1886 (herein-after called "the Act of 1886") the powers for the compulsory purchase of lands under the Acts of 1881 and 1882 were extended until the twenty-ninth day of September one thousand eight hundred and eighty-eight and the powers for the construction of the railways authorised by the said Acts were extended until the twenty-fifth day of September one thousand eight hundred and eighty-nine :

And whereas by the Act of 1886 in order to facilitate the raising of the capital necessary for the construction of the railways

[Price 3d.]

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as authorised by the Acts of 1881 and 1882 (herein-after called "the railways") the Company were empowered to pay interest or dividends upon the amount paid up from time to time in respect of shares in their capital and for that purpose were empowered to raise additional capital to the amount of thirty-two thousand pounds:

And whereas notwithstanding the powers conferred on the Company by the Act of 1886 it has been found impossible to raise the capital necessary for the construction of the railways and none of the powers of the said Acts in relation to the compulsory purchase of lands for and the making of the railways have been exercised and it is expedient that the railways should 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 be cited as the Rotherham and Bawtry Railway (Abandonment) Act 1888.

Railways to be abandoned.

2. The Company may and shall abandon the construction of the railways 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 obligations with respect to the making and maintaining of the railways.

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

3. The abandonment by the Company under the authority of this Act of the railways 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 several Acts by which the railways were authorised or any of them.

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 railways 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 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.

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Compensation to be made in respect of railways abandoned.

5. Subject to the provisions of this Act and of section 40 of the Act of 1881 and of section 22 of the Act of 1882 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court of Justice at any time after the passing of this Act on application by the person or persons named in the warrants or orders mentioned in section 39 of the Act of 1881 and section 21 of the Act of 1882 respectively or the survivors or survivor of them or the executor or administrator of such survivor (herein-after referred to as the depositors) may and shall order that the sums of sixteen thousand two hundred pounds Reduced Three Pounds per Centum Annuities and two thousand and forty-one pounds twelve shillings and elevenpence like annuities deposited as mentioned in the two last-mentioned sections respectively and the interest or dividends (if any) on those sums respectively may be transferred and paid to the depositors and on such order being made the said annuities and the interest or dividends thereon shall be transferred and paid accordingly.

Provision for repayment of deposit moneys.

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 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 thereupon the Acts of 1881 1882 1884 and 1886 shall be by this Act wholly repealed: Provided always that until such dissolution the Company and their directors shall retain and be entitled to exercise all such powers and authorities as are requisite for the purposes of this section.

Winding up of affairs and dissolution of Company.

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Expenses of
Act.

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

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