



CHAP. cix.

An Act for the Abandonment of the Railways authorised by A.D. 1870.
"The Tottenham and Hampstead Junction Railway Act,
"1865;" and for other purposes. [4th July 1870.]

WHEREAS by "The Tottenham and Hampstead Junction Railway Act, 1862," the Tottenham and Hampstead Junction Railway Company (in this Act called "the Company") were incorporated, and were authorised to make and maintain the Tottenham and Hampstead Junction Railway: 26 & 27 Vict. c. ccv.

And whereas by "The Tottenham and Hampstead Junction Railway Act, 1865," (in this Act called "the Act of 1865,") the Company were authorised to make and maintain two short lines of railway for connecting the Tottenham and Hampstead Junction Railway with the Midland Railway: 28 & 29 Vict. c. clxxviii.

And whereas since the passing of the Act of 1865 the Midland Railway Company have connected their railway with the Tottenham and Hampstead Junction Railway, and under these circumstances the Company are desirous and it is expedient that the lines of railway authorised by the Act of 1865 should be abandoned:

And whereas the objects of this Act cannot be attained 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 for all purposes be cited as "The Tottenham and Hampstead Junction Railway (Abandonment) Act, 1870." Short title.

2. In this Act the expressions following have the meanings following, (that is to say,)

"The Company" means the Tottenham and Hampstead Junction Railway Company:

[Local.-109.]

[Ch. cix.] *The Tottenham and Hampstead Junction Railway (Abandonment) Act, 1870.* [33 & 34 VICT.]

A.D. 1870.

“The Act of 1864” means “The Tottenham and Hampstead Junction Railway Act, 1864:”

“The Act of 1865” means “The Tottenham and Hampstead Junction Railway Act, 1865.”

Company to abandon railways authorised by Act of 1865.

3. The Company may and shall abandon the construction of the railways authorised by the Act of 1865, 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 obligation with respect to the making and maintaining of those railways.

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

4. The abandonment by the Company under the authority of this Act of any railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of “The Lands Clauses Consolidation Act, 1845,” 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 may have been temporarily occupied, to receive compensation in accordance with the provisions in that behalf of “The Railways Clauses Consolidation Act, 1845,” 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 last-mentioned Act, or the Act of 1865.

Compensation to be made in respect of railways abandoned.

5. Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railways authorised to be abandoned by this Act, 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,” for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Provision for repayment of money in the hands of the Court of Chancery.

6. And whereas by the Act of 1864 (section 29) provision was made with respect to the sum of eight thousand pounds, portion of a sum of twenty thousand eight hundred pounds, which had been deposited with the Court of Chancery with respect to the

application to Parliament for that Act, and by the Act of 1865 (section 48) it was provided that section 29 of the Act of 1864 should be read and have effect as applying to the railways by the Act of 1865 authorised, and it is expedient that those sections should be repealed: Therefore, on the passing of this Act, section 29 of the Act of 1864 and section 48 of the Act of 1865 are by this Act repealed, and the Court of Chancery 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 said twenty-ninth section of the Act of 1864, or the survivors or survivor of them, by petition in a summary way, order that the said sum of eight thousand pounds mentioned in the said section 29 of the Act of 1864, 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 eight thousand pounds, and the interest or dividends thereon, shall be paid or transferred to such person or persons accordingly.

A.D. 1870.

7. Except as is by this Act expressly provided, nothing in this Act shall take away, lessen, alter, or prejudice any of the estates, rights, interests, powers, or privileges of the Company.

Saving of rights.

8. The Company shall not, out of any money by any Act relating to the Company authorised to be raised by calls in respect of shares, or by borrowing, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him: Provided always, that the Company may pay to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as shall be in conformity with the provisions in "The Companies Clauses Consolidation Act, 1845," in that behalf mentioned.

No interest or dividend to be paid out of capital.

9. The Company shall not, out of any money by any Act authorised to be raised by the Company, pay or deposit any sum of money which, by any Standing Order of either House of Parliament from time to time in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to make any other railway, or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of Company's capital.

10. Nothing in this Act contained shall exempt the railways of the Company from the provisions of any general Act relating to railways, or to the better or more impartial audit of the accounts of railway companies now in force, or which may hereafter pass

Railway, &c. not exempt from provisions of present and future general Acts.

[Ch. cix.] *The Tottenham and Hampstead* [33 & 34 VICT.]
Junction Railway (Abandonment) Act, 1870.

A.D. 1870. during this or any future Session of Parliament, nor from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, in respect of the railways authorised by any Act relating to the Company.

Expenses of Act. **11.** All the costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1870.