'have received the Applotment of such Cess shall collect and levy the same according to 'such Applotment; and such Money may be levied by Distress and Sale of any Goods and 'Chattels of every Person refusing to pay the Proportion therein applotted for him or 'her to pay, which may be found on the Premises chargeable, rendering to the Owner the 'Overplus, if any, after deducting the Expenses of distraining, as therein mentioned: And 'whereas great Difficulties have of late attended the Collection and levying of Grand Jury 'Cess; and it is expedient to extend such Power of Distress and Sale as aforesaid to any 'Goods or Chattels (save as herein-after excepted) found on the Premises so chargeable 'as aforesaid:' Be it therefore 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, That such Power of Distress and Sale by the said recited Act, or any Act amending the same, provided for the Collection and levying of Grand Jury Cess in *Ireland* shall be extended as follows; that is to say, any such Grand Jury Cess may be levied by Distress and Sale of any Goods and Chattels which may be found on the Premises chargeable therewith, (save and except any Goods and Chattels which, if such Distress were for Rent reserved on a Lease for a Term for Years, would be exempt from such Distress,) rendering to the Owner of such Goods and Chattels the Overplus, if any, after deducting the Expenses of distraining.

Grand Jury Cess may be levied by Distress and Sale of any Goods found on the Premises chargeable, save as herein excepted.

Recited Act and this Act to be as One.

II. And be it enacted, That the said recited Act and this Act shall be construed together as One Act.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LXXXIII.

An Act to facilitate the Abandonment of Railways, and the Dissolution of Railway Companies, in certain Cases. [14th *August* 1850.]

'WHEREAS divers Joint Stock Companies have been incorporated by Act of Parliament for making Railways, and it has been found that such Railways, or certain 'Parts thereof, cannot be made or carried on with Advantage either to the Promoters thereof 'or to the Public, and it is expedient therefore that Facilities should be given for the Abandonment of such Railways or Parts of Railways, and for the Dissolution of such Companies, 'or some of them, and winding up the Concerns thereof:' Be it therefore 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, That if any Company authorized by Act of Parliament heretofore passed to make a Railway desire that the making and carrying on of such Railway or some Part thereof, whether commenced or not, be abandoned, such Company may, by the Authority and with the Consent of the Holders of Three Fifths of the Shares or Stock of such Company, represented in manner herein-after mentioned at a General Meeting of Shareholders to be convened in manner herein-after mentioned, make Application in Writing to the Commissioners of Railways, setting forth the Particulars of the Railway or Portion of the Railway desired to be abandoned by them, and the Grounds upon which such Application is made.

Railway Company may make Application to Commissioners of Railways to be allowed to abandon their Undertaking.

Directors may call Meeting to consider such Application.

II. And be it enacted, That it shall be lawful for the Directors of any such Railway Company at any Time to call a Meeting of the Shareholders thereof for the Purpose of determining whether such Application shall be made to the Commissioners of Railways, and so from Time to Time as they shall see fit.

Shareholders may require Directors to call Meeting.

III. And be it enacted, That it shall be lawful for any Number of Shareholders of any such Company, not being less than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, but exclusive of any Shares or Stock held by

or

or in the Names of the Directors of the Company or any of them, or by or in the Name of any Person in trust for the Directors or any of them, or for the Company, and which Shareholders shall have paid all the Calls then due on the Shares held by them, by Writing under their Hands to require the Directors of such Company to call a Meeting for the Purpose aforesaid; and upon the Receipt of any such Requisition such Directors shall forthwith proceed to call a Meeting of the Shareholders of such Company on a Day to be named by them, not being less than Fourteen nor more than Twenty-eight Days after the Receipt of such Requisition: Provided always, on the Default of the Directors to call and advertise such Meeting within Fourteen Days after the Receipt of the Requisition, it shall be lawful for the Requisitionists to call such Meeting themselves, at a Time and Place to be appointed by them, of which Fourteen Days Notice shall be given by them by Advertisement as hereinafter provided: Provided also, that when any Meeting of any such Company shall have been called pursuant to any such Requisition as aforesaid, the Directors of such Company shall not be required to call any further Meeting of such Company upon any further Requisition for the like Object until Twelve Months shall have elapsed since the holding of such previous Meeting.

After Receipt of Requisition, Directors not to make any Payments, except under existing Liabilities, nor to enter into new Contracts, nor to make new Calls.

IV. And be it enacted, That after any such Meeting has been called by the Directors, or after the Receipt of any such Requisition as aforesaid, it shall not be lawful for the Directors to make any Payments out of the Monies of the Company for the Purposes of the Railway proposed to be abandoned, except in discharge of *bonâ fide* Debts or Liabilities, or in performance of Contracts or Engagements previously entered into, and in payment of the Expenses of calling and holding such Meeting, nor to enter into any Contracts or Engagements on behalf of the Company with respect to the Railway so proposed to be abandoned, nor to make any Calls, nor to register the Transfer of any Shares, until the Meeting called as aforesaid shall have determined whether such Application shall be made.

Mode of calling Meeting, and signifying the Consent of the Shareholders to the Application.

V. And be it enacted, That the calling of any such Meeting shall be by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company, and where such Meeting is called by the Directors of the Company a Circular Letter shall be sent by the Post addressed to each of the registered Shareholders of such Company, according to his registered Address or other known Address, Seven clear Days at least before the holding of such Meeting, and stating that a General Meeting of the Shareholders of such Company will be held at a Time and Place mentioned in such Circular, for the Purpose of determining whether Application shall be made to the Commissioners of Railways that such Railway or the Part thereof specified in such Notice may be abandoned, and requesting such Shareholder to signify his Assent to or Dissent therefrom, which may be according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto, and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and in the Case of every such Meeting, whether called by the Directors or by such Requisitionists as aforesaid, the Shareholders may signify their Assent to or Dissent from the proposed Application, either by attending such Meeting in Person or by Letter addressed to the Secretary of the Company, stating the Assent or Dissent of such Shareholders, in a Form which shall be to the Effect of the Form set forth in the Schedule hereto, and signed by such Shareholders respectively.

The Number of the Shareholders assenting or dissenting to be ascertained by Scrutineers, and reported to the Chairman.

VI. And be it enacted, That at the Meeting so to be called as aforesaid the Scrutineers to be appointed as herein-after mentioned shall cast up the Amount of Shares held by Shareholders assenting to the making of such Application, and the Amount of Shares held by Shareholders dissenting therefrom, whether such Assent or Dissent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof, and such Scrutineers shall report to the Chairman the Amount of Shares of the Shareholders assenting to such Application, and the Amount of the Shares of those dissenting therefrom, and the said Chairman shall thereupon publicly announce to the Meeting

Meeting the said Amounts respectively, and shall state whether or not the Holders of Three Fifths of the whole of such Shares represented in manner aforesaid at the Meeting consent to such Application: Provided always, that in computing the Amount of Shares of the Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have been duly registered, or who shall not have paid all the Calls then due by him upon all the Shares held by him, unless such Calls shall have been made within Three Months prior to the holding of such Meeting, or if such Meeting be held pursuant to a Requisition of Shareholders as herein-before provided, then Three Months prior to the Day on which such Requisition was presented to the Directors.

Chairman of the Meeting.

VII. And be it enacted, That the Chairman of the Directors of such Company, if present, or in his Absence the Deputy Chairman, if any, of such Directors, shall be the Chairman of such Meeting as aforesaid, or if neither such Chairman nor Deputy Chairman of the Directors be present, any Shareholder chosen for that Purpose by a Majority of the Shareholders present at the Meeting shall be the Chairman thereof.

Meeting to elect Scrutineers.

VIII. And be it enacted, That at every such Meeting the Shareholders present thereat shall elect Three Shareholders of the Company to be Scrutineers for the Purposes aforesaid, and in electing such Scrutineers each Shareholder shall have One Vote only, and shall vote for One Scrutineer only; and the Decision of such Scrutineers, or of any Two of them, upon any of the Matters hereby intrusted to them, shall be final in all respects.

Adjournment of Meeting on Application of Scrutineers.

IX. And be it enacted, That for the Purpose of receiving the Report of the said Scrutineers the Chairman of such Meeting may, if he think fit, on the Application of any One of such Scrutineers, and he shall, if required by more than One of such Scrutineers, adjourn such Meeting to some Time to be appointed by him, not less than One clear Day nor more than Seven clear Days from the Day of holding such Meeting.

Certificate of the Chairman to be Evidence.

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Meeting, stating that such Meeting as aforesaid has been duly held, and such Consent given as aforesaid in Cases where the same is given, shall within One Week after the Day of holding such Meeting be deposited in the Office of the said Commissioners of Railways.

Shareholders desiring Abandonment, and complaining that the Sense of the Company has not been fairly ascertained, may apply to the Commissioners.

XI. Provided always, and be it enacted, That if it appear to any of the Shareholders of any such Company who shall have signed any such Requisition, or been present at any such Meeting as aforesaid at which the Proposal to apply to the said Commissioners to authorize the Abandonment of the whole or Part of a Railway shall have been negatived or alleged to be negatived, either that such Meeting was not duly called, or that the Sense thereof was not duly taken according to the true Intent and Meaning of this Act, and that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application would have been given, it shall be lawful for any such Shareholders, not being less in Number than Five, and holding in the aggregate not less than One Twentieth of the Capital or Stock of the Company, consisting of Shares or Stock whereon all Calls for the Time being have been paid up, and which Shareholders shall have paid all the Calls then due on the Shares held by them, to apply to the said Commissioners, setting forth in Writing the Grounds on which they complain of the Decision alleged to have been come to at such Meeting as aforesaid, and praying that a further Meeting may be called, and if it appear to the said Commissioners (after hearing the Parties complained of, if they desire to be heard,) that there is good Reason to believe that if such Meeting had been duly called, and the Sense thereof duly taken, the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, the said Commissioners shall certify their Judgment to that Effect, and shall direct a further Meeting to be called by the Directors of such Company at the Time and Place to be appointed by the said Commissioners, and the said Directors shall call such Meeting accordingly, or in default thereof it shall be lawful for the Shareholders who complained to the said Commissioners of the Proceedings of the former Meeting to call such Meeting, and all the Provisions of this Act shall apply to any further Meeting so directed to be called in like Manner as to any original Meeting herein-before authorized or required to be called.

XII. And

If Meeting determine that Application shall be made, Directors not to proceed meanwhile.

XII. And be it enacted, That if at any such Meeting any Railway Company shall determine, as herein-before mentioned, that such Application as aforesaid shall be made, or if the said Commissioners shall certify as aforesaid their Judgment, that if such Meeting had been duly called and the Sense thereof duly taken the Consent of such Meeting to the proposed Application to the said Commissioners would have been given, then, as from the Date of the Resolution so come to at such Meeting, or the Date of the said Certificate, as the Case may be, the Directors of such Company shall not have Power to proceed any further with the making of the Railway, or the Part thereof so proposed to be abandoned, until the Decision of the Commissioners of Railways with respect to such Application be made, and then only in accordance with such Decision.

Commissioners of Railways to direct Advertisements of Application.

XIII. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, the said Commissioners shall require and direct the Company making the same to give Notice of such Application having been made, by Advertisement inserted, in a Form to be approved of by the said Commissioners, once in the *London, Edinburgh*, or *Dublin Gazette*, according as the Railway or Part of the Railway proposed to be abandoned is situate in *England, Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part proposed to be abandoned of such Railway is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any Part of such Railway where the whole is proposed to be abandoned, or in which any Part proposed to be abandoned, is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel on some public or conspicuous Place of such Parish; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Abandonment, and who desires to object thereto, may bring such Objection before the Commissioners.

Commissioners to have Power to inspect the Company's Books and other Documents, and to send an Officer for local Inspection.

XIV. And be it enacted, That, for the Purpose of ascertaining the State and Condition of the Company making any such Application, and of inquiring into the Expediency of the proposed Abandonment of Railway, and of determining the Terms and Conditions on which the same may be authorized by them, it shall be lawful for the Commissioners of Railways, by themselves or by any Officer appointed and specially empowered by them for that Purpose, to inspect the Books of Accounts, Minutes of Proceedings, or any other Books, Papers, or Documents in the Possession or Control of such Company, and also, if they see fit so to do, to send, at the Expense of such Railway Company, or at the Expense of any Person who applies to them for that Purpose, an Officer to be appointed by them to inspect the Railway or proposed Railway or Work so proposed to be abandoned, and to collect Evidence on the Spot relative to such Abandonment; and if any such Company, or any of their Officers or Servants, shall refuse such Inspection by the said Commissioners, or any Officer appointed and specially empowered by them for that Purpose, or refuse or wilfully neglect to produce to the said Commissioners or any such Officer, on Demand, any Books, Papers, or Documents in the Possession or Control of such Company, every such Company shall for every such Refusal or Neglect forfeit to Her Majesty the Sum of Twenty Pounds, and a further Sum of Five Pounds for every Day during which such Refusal or wilful Neglect shall be continued.

Commissioners of Railways may by Warrant authorize the Abandonment of the Railway or Part of Railway described in the Warrant.

XV. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all the Objections, if any, brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, authorize the Abandonment of the Railway or Portion of Railway described in such Warrant.

In considering Objections of Shareholders to partial Aban-

XVI. Provided always, and be it enacted, That in considering the Objections which may be made by any of the Shareholders of any Railway Company to the proposed Abandonment of a Part only of the Railway of such Company, and in determining the Terms and Conditions

donment, Commissioners to have regard to local Circumstances.

Power to reduce or cancel the Shares of the Objectors in certain Cases.

Conditions on which the said Commissioners may think fit to authorize any such partial Abandonment, the said Commissioners shall have regard to the local Situation of the Lands and Residences of the Shareholders so objecting with reference to the Portion of Railway proposed to be abandoned; and in the Case of any such Shareholders being original Subscribers to the Undertaking, and not being Solicitors, Agents, or Engineers employed in promoting the same, and whose Places of Residence or Lands are adjoining or near the Line of the Portion of Railway so proposed to be abandoned, it shall be lawful for the said Commissioners, if they think fit so to do, in any Direction which (under the Provision herein-after contained) they may give for reducing the Capital of the Company authorized to construct such Railway, to provide, at the Request of any such last-mentioned Shareholders, that the nominal Amount of the Shares held by them in such Company may be reduced to the Amount then already paid up by them respectively, or to such other Extent as the said Commissioners may think fit to order in that Behalf, or the said Commissioners may, at the like Request, direct any such Shares to be cancelled, and a Part of the Monies that may have been paid up in respect of such Shares, bearing such Proportion to the whole as the said Commissioners having regard to all the Circumstances of the Case shall think fit to determine, to be repaid to such Shareholders.

Abandonment of Railway to be advertised, and Demands on the Company for Compensation to be sent in.

XVII. And be it enacted, That within One Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners the Railway Company to which the same applies shall cause Notice thereof to be inserted in the *London, Edinburgh*, or *Dublin Gazette*, according as the Railway or Part of Railway mentioned therein is situate in *England, Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such abandoned Railway is situate, and to be affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway is situate, and in *Ireland* such Notice shall also be affixed to the Roman Catholic Chapel, and where there shall be no such Church or Chapel, on some public or conspicuous Place of such Parish; and every such Notice shall require all Persons having any Claims or Demands upon the said Company for Compensation or otherwise, by reason of the Abandonment of Railway authorized by such Warrant, to transmit the Statement of such Claims or Demands to the Secretary of such Company, at the Office or usual Place of Business of the same Company, within Four Months from the Date of such Warrant.

Commissioners of Railways to certify the due Publication of the Notice of the Warrant.

XVIII. And be it enacted, That, upon Proof to the Satisfaction of the said Commissioners that Notice of such Warrant has been duly published in manner herein-before required, the said Commissioners shall certify the same accordingly; and such Certificate shall be received in all Courts of Justice or elsewhere as Evidence that such Notice was duly published as aforesaid.

After the granting of Warrant the Company to be released from Liability to make the Railway.

XIX. And be it enacted, That after the granting of any such Warrant, and the Publication of such Notice thereof as aforesaid, the Company shall (subject to the Provisions herein-after contained) be released from all Liability to make, maintain, or work the Railway mentioned in such Warrant, or the Part thereof thereby authorized to be abandoned, or to purchase any of the Lands required for the making thereof, or to complete the Purchase of any such Lands for the Purchase of which Notice may have been given, or any Contract entered into, by or on behalf of the Company, or to complete any Contract for or concerning the making, maintaining, or working of the Railway so to be abandoned, or any other Contract relating to the Railway or Part of Railway so authorized to be abandoned which by reason of such Abandonment cannot be performed: Provided always, that nothing in this Act contained shall extend to release the Company from any Liability to complete the Purchase of any Land for the Purchase of which any Contract may have been entered into by or on behalf the Company, and which Contract may have been in part performed, or by virtue or in pursuance of which a specified Sum or Price as the Consideration for the Purchase of the Lands thereby agreed to be sold to or taken by the Company shall have been fixed or ascertained previously to the passing of this Act, notwithstanding the Time for the Completion of the Purchase named in such Contract shall have been subsequently extended by Agreement or Arrangement with the Company.

XX. Pro-

Compensation to be made where Contracts have been entered into or Notice given.

XX. Provided always, and be it enacted, That in every Case in which before the granting of any such Warrant any Notice hath been given or Contract entered into by or on behalf of the Company named therein for purchasing any Lands which such Company were by the Acts relating thereto empowered to purchase for the Purpose of constructing the Railway or Portion of Railway so authorized to be abandoned, and from which Contract such Company would be relieved under the Provisions herein-before contained, or where any Contract hath been entered into for or concerning the constructing, maintaining, or working of the Railway or Part of Railway so authorized to be abandoned, or any other Contract relating thereto, which by reason of such Abandonment cannot be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration as herein-after mentioned, for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Notice, or by reason of such Contract not being performed.

Compensation to adjoining Landowners in lieu of Accommodation Works.

XXI. And be it enacted, That where any Railway or Part of a Railway so authorized to be abandoned shall have been then made or commenced, such Company shall make to the Owners and Occupiers of the Lands adjoining the Railway or Part of a Railway so commenced or made, and authorized to be abandoned, Compensation, to be determined by Arbitration as herein-after mentioned, for all such Injury or Damage, if any, as shall be sustained by such Owners or Occupiers by reason of the Omission to make Gates, Passages, Drains, Watercourses, Bridges, and such other Works, for the Accommodation of Lands adjoining the Railway, as such Company would have been required to make if such Railway had not been allowed to be abandoned.

Where Roads have been carried across abandoned Line of Railway by means of a Bridge or Tunnel, Company to make Compensation, in lieu of keeping Bridges, &c. in repair, except where the Road is restored to its former State.

XXII. And be it enacted, That where the Line of any Railway so authorized to be abandoned shall have been wholly or partially laid out, and any Road shall have been carried across such Line of Railway by means of a Bridge or Tunnel over or under such Railway, which Bridge or Tunnel the Company to whom such Railway belonged would, in case the same had not been abandoned, have been liable to keep in repair, then in every such Case, except where such Bridge or Tunnel shall, with the Permission of the said Commissioners, be by such Company removed, and such Road restored to the like or an equally convenient and good State as the same was in before it was interfered with by the Makers of such Railway, to the Satisfaction (in case of Difference between such Company and the Owner or Persons having the Management of such Road) of the Commissioners of Railways, such Company shall pay to the Owner of such Road, if it be a private Road, or to the Trustees, Surveyors of Highways, or other Persons having the Management of such Road, if it be a Turnpike or other public Road, a Sum of Money, to be determined by Arbitration as after mentioned, in lieu and discharge of their Liability to keep such Bridge or Tunnel, and also the Roadway over the same, in repair.

Compensation to Trustees and Overseers of public Roads, how to be applied.

XXIII. And be it enacted, That every Sum so to be paid as last aforesaid to such Trustees, Surveyors, or other Persons as aforesaid shall be by them forthwith paid over to the Treasurer of the County where the Bridge or Tunnel in respect of which such Sum was paid is situate, and shall be by him invested in Consolidated Bank Annuities or other Public Securities, and the Dividends or Income thereof shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid in such Manner as the Justices in Quarter Sessions having Jurisdiction where such Bridge or Tunnel is situate shall order.

Application of Monies paid.

XXIV. And be it enacted, That every Sum so to be paid as last aforesaid in *Scotland* to such Trustees or other Persons as aforesaid shall be by them paid into Bank, and the Interest to arise thereon shall, until Parliament shall otherwise provide, be applied in the Maintenance of the Bridge or Tunnel in respect whereof the same was paid, in such Manner as the Sheriff of the County in which such Bridge or Tunnel is situate, in case of any Difficulty arising, shall direct.

Amount of Compensation to be settled by

XXV. And be it enacted, That the Amount of the Compensation so to be made in the several Cases aforesaid shall be determined, in case of Difference, by Arbitration, in the Manner

Arbitration, pursuant to 8 & 9 Vict. c. 20. and 8 & 9 Vict. c. 33.

Manner provided by the Railways Clauses Consolidation Act, 1845, or the Railways Clauses Consolidation Act, *Scotland*, 1845, as the Case may require, and for that Purpose all the Clauses of the said Railways Clauses Consolidation Acts with respect to the Settlement of Disputes by Arbitration shall be deemed to be incorporated with this Act: Provided always, that no such Railway Company shall be liable to make any Compensation in respect of Damage alleged to have been sustained by reason of the Abandonment of the Railway or Part of the Railway, or the Non-completion of any Contract of such Company in any of the Cases aforesaid, unless the Claim for such Compensation shall have been made within Six Months after the Publication in the Gazette of the Notice of the Warrant for such Abandonment as herein-before provided.

Claims for Compensation to be made within Six Months after Publication of Warrant for Abandonment.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c. pursuant to 8 & 9 Vict. c. 18. or 8 & 9 Vict. c. 19.

XXVI. Provided also, and be it enacted, That the Authority so as aforesaid given for abandoning the making of any such Railway or Part of a Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from such Company Compensation for any Damage that may have been occasioned by the Entry of such Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act (*Scotland*), 1845, contained.

Lands purchased by the Railway Company to be sold within a limited Time.

XXVII. And be it enacted, That all the Lands acquired by such Company for the Purposes of the Railway or Part of Railway so authorized to be abandoned shall be sold by such Company within the Time limited or prescribed for that Purpose in the Warrant authorizing the Abandonment of such Railway, and if no Time be therein prescribed for that Purpose, then within Two Years from the Date of such Warrant, in the Manner prescribed by the said Lands Clauses Consolidation Acts with respect to the Sale of superfluous Lands; and for that Purpose all the Clauses of the said last-mentioned Acts with respect to the Lands acquired by the Promoters of the Undertaking under the Provisions of their special Act, but which are not required for the Purposes thereof, shall be deemed to be incorporated with this Act: Provided always, that the Offer to be made by the Railway Company pursuant to the said Acts to sell such Lands to the Person entitled to the Lands from which the same were severed shall be made at a Price or Sum not greater than the Price or Sum at which such Lands were purchased by such Company.

Where Part of a Railway is authorized to be abandoned, the Commissioners may require the Capital to be reduced.

XXVIII. And be it enacted, That when the said Commissioners of Railways, by any such Warrant as aforesaid, authorize the Abandonment of a Part only of the Railway of any Railway Company, they may, if they think fit, require that the Capital authorized to be raised by such Company in respect of such Railway shall be reduced to such Extent and in such Manner as the said Commissioners think fit, and so that such Reduction do not bear a greater Proportion to the whole Capital so authorized to be raised than the Cost of the Part of the Railway so authorized to be abandoned would have borne to the Cost of the whole Railway; and they may also, if they think fit, in like Manner reduce the Amount which such Company are authorized to borrow on Mortgage or Bond, and every such Reduction shall be expressed in the said Warrant; and in every such Case the Capital of such Company, and their Power of borrowing Money, shall be reduced and limited in conformity with the Directions for that Purpose contained in such Warrant; and such Company shall have all the same Powers for enforcing the Payment of Calls in respect of the Shares in the Capital when reduced in the Manner required by the said Commissioners, and for enforcing the Forfeiture of any such Shares in default of Payment of such Calls, as such Company would have had in respect of the original Capital of such Company if this Act had not been passed: Provided always, that nothing herein contained shall authorize the said Company to reduce or interfere with any Amount of Capital paid up or called for before the Eleventh Day of *February* One thousand eight hundred and fifty, and entitled to any preferential or guaranteed Dividend or Interest.

After Warrant for Abandonment of the whole Railway the Powers of

XXIX. And be it enacted, That after the granting of any such Warrant as aforesaid for the Abandonment of the whole Railway of any Railway Company the Powers of such Company for the Construction, Maintenance, and Management of such Railway shall cease, and such Company shall continue to exist only for the Purpose of winding up their Affairs; and

and they shall accordingly, subject to the Provisions herein contained with respect to the Sale of Lands acquired by such Company for the Purposes of their Railway, proceed with all convenient Speed to collect and to convert into Money all their Property and Effects, and shall in the first place pay and satisfy all their Debts and Liabilities, and after full Payment and Satisfaction thereof shall distribute the surplus Funds among the Shareholders of the Company in proportion to their Shares and Interests therein, and for the Purposes aforesaid all the Powers of such Company shall continue in full Force and Effect; and when and so soon as the same shall have been fully accomplished such Company shall be dissolved, and cease to exist.

the Company are to cease, except for winding up.

XXX. And be it enacted, That, notwithstanding the Provision in the Joint Stock Companies Winding-up Amendment Act, 1849, excepting Railway Companies incorporated by Act of Parliament from the Application of the Joint Stock Companies Winding-up Act, 1848, the said Two several Acts shall nevertheless apply to any Railway Company incorporated by Act of Parliament in respect of which an Order may have been made by the Court of Chancery for winding up the Affairs of such Company previous to the passing of the said Joint Stock Companies Winding-up Amendment Act, 1849, and the Proceedings for winding up the same shall proceed and be carried on under the said Joint Stock Companies Winding-up Act, 1848, and the said Joint Stock Companies Winding-up Amendment Act, 1849, or either of them.

Provisions of 11 & 12 Vict. c. 45. and 12 & 13 Vict. c. 108. to apply to Cases where Order of winding-up was made prior to passing of said Acts.

XXXI. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *England* or *Ireland*, any Shareholder of such Company may present a Petition under the Joint Stock Companies Winding-up Act, 1848, or any Act for the Amendment of such Act, for the winding up of the Affairs of such Company under the said Act, and for that Purpose the Railway Company whose Railway is so authorized to be abandoned shall, if the Court shall think fit so to order, (notwithstanding anything to the contrary thereof in the said Joint Stock Companies Winding-up Act, or in the Joint Stock Companies Winding-up Amendment Act, 1849,) be deemed to be a Company to which the said Act applies.

When Warrant has been granted for abandoning the whole Railway, Shareholders may petition for winding up, under the 11 & 12 Vict. c. 45., notwithstanding anything in 12 & 13 Vict. c. 108.

XXXII. And be it enacted, That where any such Warrant as aforesaid shall have been granted for the Abandonment of the whole Railway of any Railway Company in *Scotland*, any Shareholder of such Company may present a Petition to the Court of Session, praying the said Court to sequestrate such Company, and it shall thereupon be lawful for the said Court to issue a Deliverance awarding Sequestration of such Company, and to appoint a Factor, who shall take possession of and recover the Estate of such Company, and realize and manage the same, for the Purposes of this Act, and for winding up and distributing the same with due Regard to the Rights and Interests of the Creditors and Shareholders, and of all others concerned therein.

Court of Session, upon Petition, may sequestrate any Railway Company for the Abandonment of which a Warrant has been granted.

XXXIII. And be it enacted, That it shall be competent to the said Court to establish, by Acts of Sederunt to be passed by them, all such Rules and Regulations as may be necessary in relation to the summary Statement, Discussion, and Adjudication of all Claims at the Instance of Creditors, Shareholders, and other Parties against such Company, and by such Rules and Regulations to apply, as far as may be practicable and expedient, towards the Purposes of this Act, the Provisions of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for regulating the Sequestration of the Estates of Bankrupts in* Scotland; and it shall be competent to the said Court so also to establish all such other Rules and Regulations as may be necessary for carrying fully into effect the Purposes of this Act.

Court of Session to establish Rules for Adjustment of Claims.

2&3 Vict. c.41.

XXXIV. And be it enacted, That in the event of the Affairs of any such Company being wound up under any such Petition, the Compensation herein-before directed to be given to the Owners and Occupiers of Lands and others in respect of the Damage sustained by them by reason of such Abandonment in the Cases herein-before mentioned, or by reason of the Non-completion of any such Contract as aforesaid, or otherwise, shall be deemed a Demand claimed from, and when ascertained in the Manner provided by this Act a Debt due from, such Company, and the Party by whom such Compensation is claimed shall be deemed

In case of Petition for winding up, Landowners are to be deemed Creditors in respect of the Compensation given by this Act.

deemed a "Creditor," in *England* or *Ireland*, within the Provisions of the said Joint Stock Companies Winding-up Act, or, in *Scotland*, within the Provisions of the said recited Act of the Second and Third Years of the Reign of Her present Majesty; and in case any Lands purchased by such Railway Company shall be sold by the Official Manager under the said Act, they shall be sold in the Manner and subject to the Provisions contained in this Act.

Act not to affect Actions or Suits commenced before 11th Feb. 1850.

XXXV. Provided always, and be it enacted, That this Act, or any Proceeding thereunder, shall not prejudice or affect any Action or Suit or other Proceeding at Law or in Equity commenced before the Eleventh Day of *February* One thousand eight hundred and fifty, or any Action or Suit brought in connexion with and during the Dependence of and involving the same Matter with such Action or Suit, nor any Action, Suit, or other Proceeding against a Company which shall not have obtained a Warrant authorizing the Abandonment of the Railway or Part of a Railway in respect of which such Action, Suit, or other Proceeding shall be instituted, unless such Company shall, within Three Days after Notice for that Purpose from the Party suing them, give such Party Notice of their Intention to apply for such Warrant, and shall obtain the same, and serve Notice thereof on such Party within Three Calendar Months thereafter, but all such Actions and Suits and other Proceedings shall be proceeded with, and Judgments recovered, and Rules, Orders, and Decrees made therein shall be enforced, as if this Act had not been passed, save only that the same, after Notice given by the Company of their Intention to abandon as aforesaid, shall be suspended for Three Calendar Months, if the Warrant be refused, or be not obtained within that Time.

Nothing herein to authorize Abandonment of any Railway agreed to be constructed, without Consent.

XXXVI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the Abandonment by any Company of any Railway or Portion of a Railway, or other Works, which such Company has agreed under its Corporate Seal to make and construct, according to any Agreement entered into either with any Individual or with any other Company, unless such Individual or Company shall consent in Writing to such Abandonment.

Commissioners to report to Parliament where Abandonment authorized by them.

XXXVII. And be it enacted, That in each Case in which the said Commissioners authorize the Abandonment of the whole or a Portion of a Railway, they shall, within Ten Days after issuing their Warrant for that Purpose, if Parliament be then sitting, or if not, then as soon thereafter as Parliament meets, lay before both Houses of Parliament a Copy of every such Warrant, accompanied by such Report and Observations as shall in the Judgment of such Commissioners set forth and explain the Reasons for their Award and Warrant in every such Case as aforesaid.

Interpretation of Terms.

XXXVIII. And be it enacted, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender shall extend to Females:

The Word "Person" shall include Body Corporate:

The Word "Lands" shall include Messuages, Tenements, and Hereditaments:

The Word "Railway" shall include all Works, Buildings, and Undertakings authorized to be constructed or carried on in connexion with the Railway or belonging thereto:

The Word "Shares" shall include Stock:

The Word "Month" shall mean Calendar Month.

Short Title.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments and Proceedings, it shall be sufficient to use the Expression "The Abandonment of Railways Act, 1850."

Act may be amended, &c.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

SCHEDULE referred to by the foregoing Act.

(1.) Name of Railway.	(1.) Name of Shareholder.	(1.) No. and Amount of Shares or Stock held by him.	(2.) Whether assenting or dissenting.

(1.) The Secretary will insert these Particulars.

(2.) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

CAP. LXXXIV.

An Act to enable the Council of the Borough of *Manchester* to determine their Liability to defray the Expenses of Customs in respect of Goods warehoused in the said Borough, and to authorize the Commissioners of Her Majesty's Treasury to direct the Discontinuance of the further warehousing of Goods in such Warehouses without Payment of Duty. [14th *August* 1850.]

'WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of* Manchester *in the County of* Lancaster: And whereas it is just and expedient that the Council of the Borough of *Manchester* should have the Option of terminating the Liability, to which under the said recited Act they are subject, to pay to the Commissioners of Her Majesty's Customs the Expenses incurred by the said Commissioners in the Management and Collection of the Customs and other Duties payable in respect of Goods deposited in Warehouses or Places within or near the said Borough, or within the Distances in the said recited Act mentioned, and of the Maintenance of the Establishment of Officers and Clerks necessary for such Management and Collection; and in case the said Council shall exercise such Option in the Manner herein-after provided, that the Commissioners of Her Majesty's Treasury should have Power to direct that no further Goods shall be thereafter warehoused without Payment of Duty in any Warehouse approved under the Provisions of the said recited Act; but the Object 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, That it shall be lawful for the Council of the said Borough of *Manchester*, in case they should so think fit, and they are hereby authorized and empowered, by

7 & 8 Vict. c. 31.

Council of Borough of Manchester exempted from