CHAPTER xxxvii.

A.D. 1888.

An Act for the abandonment of the Ayr and District Tramways, and for authorising the repayment of the money deposited for securing the completion thereof.

[28th June 1888.]

WHEREAS by the Ayr and District Tramways Act, 1884 (in this Act referred to as "the Act of 1884"), the Ayr and District Tramways Company (in this Act called "the Company") were incorporated for the purpose of making the tramways and works therein described (in this Act called "the tramways and works"):

And whereas by the Act of 1884 the period for the completion of the tramways and works was limited to three years from the passing of that Act, which received the Royal Assent on the nineteenth day of May, one thousand eight hundred and eighty-four:

And whereas by section twenty-eight of the Act of 1884, after reciting that the sum of six hundred pounds, being five per centum upon the amount of the estimate in respect of the tramways, had been deposited in the Court of Exchequer in Scotland in respect of the application to Parliament for the Act of 1884, it was enacted that, notwithstanding anything contained in the Act of the ninth year of Her present Majesty, chapter twenty, the said sum so deposited should not be paid or transferred to or on the application of the person or persons, or the majority of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty, or the survivors or survivor of them (which persons, survivors or survivor are or is in that Act referred to as the depositors), unless the Company should, previously to the expiration of the period limited by the Act of 1884 for the completion of the tramways, open the same for the public conveyance of passengers, and by section twenty-nine of the Act of 1884 it was enacted that if the Company did not, previously to the expiration of the period limited for the completion of the tramways, complete and

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open the same for the public conveyance of passengers, the said sum of money deposited as aforesaid should be applied towards compensating landowners and others, and in making good all damage caused to roads by the construction or abandonment of the tramways as therein mentioned; which section further provided that if no such compensation should be payable, or if a portion of the said sum of money should have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as might not be required as aforesaid, should either be forfeited to Her Majesty, and should accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland should think fit to order, on the application of the Solicitor to Her Majesty's Treasury, and should be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Court, if the Company should be insolvent and had been ordered to be wound up, or a judicial factor had been appointed, should wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof:

And whereas the Company have been unable to raise the capital necessary for the construction of the tramways and works:

And whereas it is expedient that provision be made for the abandonment of the tramways and works, and for authorising the repayment of the money deposited as aforesaid, but those objects 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 Ayr and District Tramways (Abandonment) Act, 1888.

Tramways and works to be abandoned.

2. The Company may and shall abandon the construction of the tramways and works; 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 tramways and works.

Compensation for damage to land by entry, &c.,

3. The abandonment by the Company, under the authority of this Act, of the tramways and works shall not prejudice or affect the right of the owner or occupier of any land to receive compensa-

tion 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 lines of the tramways and works, 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 Act of 1884.

for purposes of tramways, &c., abandoned.

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 any portion of the tramways and works, 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 (Scotland) 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 tramways, &c., abandoned.

5. Subject to the provisions of this Act and to the provisions of section twenty-nine of the Act of 1884, relating to compensation to landowners, road authorities and other persons injured, and for protection of creditors, the Court of Exchequer in Scotland may, and shall at any time after the passing of this Act, on application by the depositors mentioned in the twenty-eighth section of the Act of 1884, order that the sum of six hundred pounds mentioned in the said twenty-eighth section of the Act of 1884, and the interest or dividends thereon, or the securities upon which the same may have been or may be invested, may be paid or transferred to the depositors, or as they may appoint, and upon such order being made, the said sum of six hundred pounds, and the interest or dividends thereon, and the securities aforesaid, 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.

Provision for winding up affairs of Company.

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Dissolution of Company.

7. When all the debts, liabilities and engagements of the Company are paid, satisfied or 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.

Costs of Act.

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.

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