CHAPTER lxv.

An Act to authorise the Downham and Stoke Ferry Railway Company to abandon the construction of a portion of their authorised railways and for other purposes. A.D. 1887.

[5th July 1887.]

WHEREAS by the Downham and Stoke Ferry Railway Act 1879 (in this Act called "the Act of 1879") the Downham and Stoke Ferry Railway Company (in this Act called "the Company") were incorporated and were empowered to make the railway therein described in the county of Norfolk:

And whereas by the Downham and Stoke Ferry Railway Act 1883 (in this Act called "the Act of 1883") the Company were authorised to extend their railway to Gooderstone in the same county and to raise additional share capital not exceeding thirty thousand pounds and to borrow on mortgage any sum not exceeding ten thousand pounds:

And whereas the railway authorised by the Act of 1879 has been constructed and opened for public traffic:

And whereas no part of the capital authorised by the Act of 1883 has been raised and none of the powers of the Act of 1883 with respect to the purchase of land for or the construction of the extension railway thereby authorised have been exercised and it is expedient that the Company be authorised to abandon the said railway and that the Company's powers of raising share and loan capital under the Act of 1883 be extinguished:

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:—

[*Price* 3*d.*]

A.D. 1887.

Short title.

1. This Act may be cited as the Downham and Stoke Ferry Railway Act 1887.

Abandonment of railway authorised by Act of 1883.

2. The Company may and shall abandon and relinquish the construction of the railway authorised by the Act of 1883 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 aforesaid railway.

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

3. The abandonment of the aforesaid railway by the Company 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 or taking levels or probing or boring to ascertain the nature of the soil or setting out 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 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 Railways Clauses Consolidation Act 1845 or of the Act of 1879 or of the Act of 1883.

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 purchasing of any land for the purposes of or in relation to any portion of the works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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.

Providing for release of deposit.

5. In consideration of the foregoing provisions of this Act for compensation to landowners and others injuriously affected by any acts of the Company in respect of the railway which the Company are by this Act authorised to abandon the High Court of Justice at any time after the passing of this Act on the application by the persons or the majority of the persons named in the warrant or

order mentioned in section 10 of the Act of 1883 or the survivors or survivor of them or the executors administrators or assigns of such survivors may and shall order that the sum of one thousand one hundred and seventy pounds the sum deposited in respect of the Act of 1883 and the interest or dividends thereon shall be paid or transferred to such depositors or to the survivors or survivor of them or the executors administrators or assigns of such survivor or to such person or persons as they or he may appoint in that behalf and upon such order being made the said sum of one thousand one hundred and seventy pounds and the interest or dividends thereon shall be paid or transferred to such depositors or to the survivors or survivor of them as the case may be or to such other persons or person accordingly.

Capital powers under Act of 1883 extinguished.

6. The powers of the Company under the Act of 1883 to raise money by shares and stock and by borrowing or debenture stock are hereby repealed and extinguished.

Costs of Act.

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

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