CHAPTER xi.

An Act for the Abandonment of the Railways authorised by the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874; and for other purposes. A.D. 1877.

[17th May 1877.]

WHEREAS by the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874, the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Company (in this Act called "the Company") were incorporated with a share capital of one hundred and sixty thousand pounds, and with power to borrow fifty-three thousand pounds, and were authorised to make and maintain a railway, No. 1, commencing in the township and parish of Leeds in the west riding of the county of York, and terminating in the township of Roundhay, in the parish of Barwick-in-Elmet, in the said west riding, on the east side of and adjoining to Park Road; and also a railway, No. 2, commencing in the township of Potternewton, in the said west riding, by a junction with railway No. 1, and terminating in the township of Templenewsam, in the parish of Whitkirk, by a junction with the Leeds and Selby Line of the North-eastern Railway Company at Osmondthorpe: 37 & 38 Vict. c. xv.

And whereas the said Act (section twenty-one) provided that the powers of the Company for the compulsory purchase of lands should not be exercised after three years from the passing of that Act, which period expires on the eighth day of June one thousand eight hundred and seventy-seven:

And whereas it has been found impracticable to raise the capital for the construction of the said railways, and no steps have been taken in execution of the said Act, and it is expedient that the undertaking be abandoned, and the said Act repealed:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

A.D. 1877.

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 for all purposes be cited as "Leeds, Roundhay Park, and Osmondthorpe Junction Railway (Abandonment) Act, 1877."

Company may abandon authorised works.

2. The Company may and shall abandon the construction of the railways authorised by the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874, 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 obligation with respect to the making and maintaining of the said railways.

Compensation for damage to land by entry.

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 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 the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874.

Compensation to be made for non-completion of purchase, &c.

4. 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 the railways authorised to be abandoned by this Act, 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.

37 & 38 Vict. c. xv. s. 28. repealed.

5. Immediately upon the passing of this Act, section 28 of the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874, is by this Act repealed.

Providing for return of deposit under that Act.

6. Subject to the provisions of section 29 of the Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874, the Chancery Division of the High Court of Justice, at any time after the passing of this Act, on the application of the person named in the warrant or order mentioned in section 28 of the said Act of 1874, or the executors or administrators of such person by petition in a summary way, may and shall order that the sum of eight thousand six hundred and nine pounds four shillings and eightpence three pounds per centum consolidated Bank annuities mentioned in the said section 28, and the interest or dividends (if any) on that sum, shall be transferred and paid to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf, and on such order being made the said sum, and the interest or dividends thereon, shall be transferred and paid to such person or persons accordingly.

Provision for winding up affairs of Company.

7. 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 for those purposes all their powers shall continue in full force and effect.

Winding up of Company and repeal of recited Act.

8. 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 Leeds, Roundhay Park, and Osmondthorpe Junction Railway Act, 1874, shall be by this Act wholly repealed.

Expenses of Act.

9. All the costs, charges, and expenses of and incident to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

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