CHAPTER xxxiv.

An Act for the Abandonment of the Penarth, Sully, and Barry Railway. [3rd June 1881.] A.D. 1881.

WHEREAS by the Penarth, Sully, and Barry Railway Act, 1877, (in this Act called "the Act of 1877,") the Penarth, Sully, and Barry Railway Company (in this Act called "the Company") were incorporated, with power to raise forty thousand pounds in shares, and to borrow thirteen thousand three hundred pounds on mortgage, and authorised to make and maintain a railway (in this Act called "the railway") from the Penarth Extension Railway, in the parish of Penarth, into the parish of Barry, both in the county of Glamorgan: 40 & 41 Vict. c. cxcvii.

And whereas by section twenty of the Act of 1877 the powers for the compulsory purchase of land were limited to three years, and by section twenty-six the powers for making and completing the railway were limited to five years from the passing of that Act, which received the Royal Assent on the second day of August one thousand eight hundred and seventy-seven:

And whereas during the progress of the Bill for the Act of 1877 negotiations were entered into by the promoters of the Bill with the Taff Vale Railway Company for the working of the railway in connexion with the Penarth Extension Railway, of which they are lessees, and the Act of 1877 (section twenty-nine) accordingly authorises working and traffic agreements with that company, but the negotiations failed, and a portion of the ground has since been occupied by the Penarth Extension Railway:

And whereas the compulsory powers for the purchase of land for the purposes of the Act of 1877 expired on the second day of August one thousand eight hundred and eighty without any of such powers having been exercised, and no part of the capital authorised by the said Act has been subscribed or raised, and there are no registered shareholders, and the company incorporated and authorised to be formed by the Act of 1877 has never been in a position to exercise any of the powers of the said Act:

A.D. 1881.

And whereas under the before-mentioned circumstances it is expedient that the railway should be abandoned, but the same 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; (that is to say,)

Short title.

1. This Act may for all purposes be cited as the Penarth, Sully, and Barry Railway (Abandonment) Act, 1881.

Making of railway abandoned.

2. The making of the railway is by this Act abandoned, and, except only as is by this Act otherwise expressly provided, the company authorised to be incorporated by the Act of 1877 shall be absolutely freed from all obligations with respect to the making and maintaining of the railway.

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

3. The abandonment of the railway 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 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 for the purposes of the railway 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 Act of 1877.

8 & 9 Vict. c. 20.

Compensation to be made in respect of railway abandoned.

4. Any contract which may have been entered into or notice given before the passing of this Act for the purchasing of any land for the purposes of or in relation to the railway, or any portion thereof, shall be null and void, but notwithstanding full compensation shall be made 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.

8 & 9 Vict. c. 18.

Provision for release of deposit.

5. Subject to the provisions of section twenty-five of the Act of 1877, with respect to compensation to landowners and other persons

injured and to protection of creditors, the High Court of Justice (Chancery Division) may and shall at any time after the passing of this Act, on application by John Davies Treharne, the person named in the warrant or order mentioned in the twenty-fourth section of the Act of 1877, or his executors, administrators, or assigns, by petition in a summary way, order that the sum of one thousand nine hundred and twenty-one pounds twelve shillings mentioned in the said twenty-fourth section, or the stocks, funds, or securities in which the same is invested, together with any interest or dividends due and payable thereon, may be paid or transferred to the said John Davies Treharne, his executors, administrators, or assigns, or to any person or persons whom he or they may appoint in that behalf, and upon such order being made the said sum, or the stocks, funds, or securities in which the same is invested, and the interest or dividends thereon, shall be paid or transferred to the said John Davies Treharne, his executors, administrators, or assigns, or to such person or persons accordingly.

Application of deposit.

6. For the purposes of section one hundred and ninety-nine of the Companies Act, 1862, and notwithstanding any limitation or exception therein contained, the Company shall be deemed to be an unregistered company, whose principal place of business is situate in England; and if the Company be wound up under the Companies Acts, 1862 and 1867, the provisions of those Acts are hereby made applicable in that behalf.

25 & 26 Vict. c. 89.

30 & 31 Vict. c. 131.

Expenses of Act.

7. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall in the first instance be paid by the said John Davies Treharne, but, subject to the before-mentioned provisions of section twenty-five of the Act of 1877, with respect to compensation to landowners and other persons injured, the same shall be repaid to him out of the said sum of one thousand nine hundred and twenty-one pounds twelve shillings, or the balance thereof, as the case may be, or out of any assets of the Company.

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