



CHAPTER xix.

An Act for the Abandonment of the Ely and Bury Saint Edmunds Railway. A.D. 1880.
[29th June 1880.]

WHEREAS by the Ely and Bury Saint Edmunds (Light) Railway Act, 1875, (in this Act called "the Act of 1875,") the Ely and Bury Saint Edmunds Railway Company (in this Act called "the Company") were incorporated with power to raise one hundred thousand pounds in shares and to borrow thirty-three thousand three hundred pounds on mortgage, and authorised to make and maintain a railway between Ely and Bury Saint Edmunds (in this Act called "the railway") : 38 & 39 Vict. c. cxvii.

And whereas during the progress in Parliament of the Bill for the Act of 1875 a Bill for making a railway from Ely to Newmarket was also before Parliament, and a clause (section thirty-one) was inserted in the Act of 1875 suspending for two years from the passing of that Act the powers of the Company for purchasing lands and constructing their railway between Ely and Soham, a distance of upwards of five miles :

And whereas during the said suspensory period of two years the land was purchased for the said Ely and Newmarket Railway, and steps were taken towards the construction thereof, and the same has since been completed and opened for traffic :

And whereas a small portion only of the capital authorised by the Act of 1875 has been raised, but no part of the railway has yet been constructed, and under the before-mentioned circumstances the Company is unable to raise capital to construct the same, and it is expedient that the railway should be abandoned, and the affairs of the Company wound up, and the Company dissolved :

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,

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A.D. 1880. 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 Ely and Bury Saint Edmunds Railway (Abandonment) Act, 1880.

Making of railway to be abandoned. 2. The Company shall abandon the making of the railway, 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 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 by the Company under the authority of this Act of the railway 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 Act of 1875.

8 & 9 Vict. c. 20.

Compensation to be made in respect of railway abandoned. 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 railway, or any portion thereof, 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.

8 & 9 Vict. c. 18.

Provision for release of deposit. 5. Subject to the provisions of section forty of the Act of 1875, 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 the persons, or the majority of the

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persons, named in the warrant or order mentioned in the thirty-ninth section of the Act of 1875, or the survivors or survivor of them, by petition in a summary way, order that the sum of four thousand seven hundred and ninety-one pounds three per centum consolidated bank annuities mentioned in the said thirty-ninth section, together with any dividends due and payable thereon, may be transferred and paid to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf, and upon such order being made the said bank annuities and the dividends thereon shall be transferred and paid to such person or persons accordingly. A.D. 1880.

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.

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 1875 shall be by this Act repealed. Dissolution
of Company.

8. 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. Expenses of
Act.

