



## CHAPTER IV.

An Act for the abandonment of the Railway authorised by A.D. 1877.  
"The Temple Mineral Railway Act, 1874;" and for other  
purposes. [28th June 1877.]

**W**HEREAS by "The Temple Mineral Railway Act, 1874," (in 37 & 38 Vict.  
c. clxxxix.  
this Act called "the Act of 1874,") the Temple Mineral  
Railway Company (in this Act called "the Company") were  
incorporated and empowered (section 6) to raise a capital of sixty-  
five thousand pounds in shares, and (section 18) to borrow not  
exceeding twenty-one thousand six hundred pounds, and to make  
and maintain the railway by that Act authorised (in this Act called  
"the railway") :

And whereas by "The Cornwall Minerals Railway Act, 1875," 38 & 39 Vict.  
c. cxxix.  
(section 4,) the Company and the Cornwall Minerals Railway  
Company were authorised to contract for the transfer to the  
Cornwall Minerals Railway Company of all the powers, rights, and  
privileges conferred upon the Company with respect to the making  
and maintaining the railway, and the taking of lands for the  
purpose thereof, and the levying of tolls and charges, and otherwise  
with respect to their undertaking :

And whereas no part of the capital authorised by the Act of  
1874 has been raised, and none of the powers of that Act in  
relation to the making of the railway have been exercised, and the  
Company are unable to raise the funds required for the making of  
the railway, and it is expedient that the same 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,

A.D. 1877. — 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 Temple Mineral Railway (Abandonment) Act, 1877."

Abandonment of railway. 2. The Company may and 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 obligation 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 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 1874.

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 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. Subject to the provisions of section 37 of the Act of 1874, the Chancery Division of the High Court of Justice may and shall at any time after the passing of this Act, on application by the persons or the majority of the persons named in the warrant or order mentioned in the thirty-sixth section of the Act of 1874, or the survivors or survivor of them, by petition in a summary way, order that the sum

of three thousand two hundred and ten pounds three per centum Consolidated Bank Annuities mentioned in the said thirty-sixth section of the Act of 1874, and the interest or dividends thereon, may be paid or transferred 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 sum of three thousand two hundred and ten pounds three per centum Consolidated Bank Annuities, and the interest or dividends thereon, shall be paid or transferred to such person or persons accordingly.

A.D. 1877.

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 1874 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.

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