CHAPTER lii.

An Act for the Abandonment of the Works authorised by the East Cornwall Mineral Railway Act, 1876; and for other purposes. [3d July 1879.] A.D. 1879.

WHEREAS by the East Cornwall Mineral Railway Act, 1876, (in this Act called "the Act of 1876,") the East Cornwall Mineral Railway Company (in this Act called "the Company") were authorised to make certain alterations in the levels of their existing railway and of certain public carriage-roads crossing that railway, and also to make and maintain certain new railways, in the reciting Act called "the extension railways," which were constituted a separate undertaking of the Company, with a separate capital ("the extensions capital"), proprietary and borrowing powers: 39 & 40 Vict. c. ccxl.

And whereas the Company have not exercised the power so conferred upon them of altering the levels of their railway and of the said roads, nor have they acquired any land for or executed any works connected with the extension railways, or raised any part of the extensions capital, and they are unable to raise the necessary funds for the said works and railways, and it is expedient that they be authorised to abandon the same; but that object 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:

1. This Act may be cited as the East Cornwall Mineral Railway Act, 1879. Short title.

A.D. 1879.

Works authorised by 39 & 40 Vict. c. ccxl. s. 6. to be abandoned.

2. The Company may and shall abandon and relinquish the construction of the whole of the works authorised by and described in section six of the Act of 1876.

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

3. The abandonment by the Company under the authority of this Act of the extension 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 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 1876.

8 & 9 Vict. c. 20.

Compensation to be made in respect of railways 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 extension railways, 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.

8 & 9 Vict. c. 18.

Providing for release of deposit.

5. Subject to the provisions of section 44 of the Act of 1876, with respect to compensation to landowners and other persons injured and to protection of creditors, 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 section 43 of the said Act, or the survivors or survivor of them, or the executors or administrators of such survivor, by petition in a summary way, order that the railway deposit money mentioned in the said 44th section, and the interest or dividends thereon, or the balance thereof, as the case may be, shall 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 railway deposit money, and the interest or dividends thereon, or the balance thereof, as the case may be, shall be paid or transferred to such person or persons accordingly.

Expenses of Act.

6. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1879.