



CHAPTER xli.

An Act for the Abandonment of the Fareham Railway.

A.D. 1877.

[28th June 1877.]

WHEREAS by the Fareham Railway Act, 1874, (in this Act called "the Act of 1874,") the Fareham Railway Company (in this Act called "the Company") were incorporated with a share capital of forty thousand pounds, and power to borrow not exceeding thirteen thousand three hundred pounds, and were authorised to make and maintain a railway (in this Act called "the railway") commencing in the parish of Fareham in the county of Southampton, and terminating at Hill Head Harbour in the same county :

37 & 38 Vict.
c. cxcvii.

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 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, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may for all purposes be cited as "The Fareham Railway Abandonment Act, 1877." Short title.

2. The Company may and shall abandon the making of the railway, and on and after the passing of this Act the Company

Making of
Fareham
Railway to be
abandoned.

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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 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 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.

Providing for release of deposit.

5. Subject to the provisions of section thirty-two of the Act of 1874, 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 persons named in the warrant or order mentioned in the thirty-first section of the Act of 1874, or the survivors or survivor of them, by petition in a summary way order that the sum of two thousand one hundred and sixty-eight pounds three per centum consolidated annuities mentioned in the said thirty-first section of the Act of 1874 may be paid to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf.

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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
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 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.

