



CHAPTER xxv.

An Act for the Abandonment of the Railways authorised by the Sidmouth Railway Act, 1876; and for other purposes. A.D. 1879.
[23d May 1879.]

WHEREAS by the Sidmouth Railway Act, 1871, the Sidmouth Railway Company (in this Act called the Company) were incorporated, with a share capital of sixty-six thousand pounds and with power to borrow twenty-two thousand pounds, and were authorised to make and maintain a railway from the London and South-western Railway to the town of Sidmouth, and other works in that Act described: 34 & 35 Vict.
c. lxxviii.

And whereas by the Sidmouth Railway Act, 1876, the Company were empowered to extend their railway to Budleigh Salterton and Exmouth, and to raise for the purposes of that Act the further sums of one hundred and thirty thousand pounds by shares and forty-three thousand three hundred pounds by borrowing: 39 & 40 Vict.
c. ccx.

And whereas the Company have some time since completed and opened the railway authorised by the said Act of 1871, and have expended in and about the same, and the providing of stations, plant, and other accommodation, the greater part of the moneys authorised by that Act to be raised, but it has been found impracticable to raise any of the capital authorised by the said Act of 1876, and no steps have been taken in exercise of the powers of that Act:

And whereas it is expedient that the two railways authorised by the said Act of 1876 should be abandoned:

And whereas the railway authorised by the said Act of 1871 passes for a considerable distance through lands belonging or reputed to belong to the trustees of the will of the Right Honourable John Lord Rolle, deceased, and the price or compensation to be paid by the Company was assessed and ascertained at the sum of two thousand two hundred and thirty pounds, which sum

A.D. 1879. has been deposited and now remains on joint account in the Strand Branch of the London and Westminster Bank :

And whereas shortly after the passing of the said Act of 1871 it was arranged between the Honourable Mark George Kerr Rolle, the equitable tenant for life under the trusts of the said will, and the Company, that he would, in order to facilitate the construction of the said railway, avail himself of the powers given by the Improvement of Lands Act to charge the estate with the amount of subscription by him, equivalent in amount to that paid by the Company for the land :

And whereas the Commissioners acting under the said last-mentioned Act cannot now entertain an application for that purpose, in consequence of the time limited for the construction of the railway authorised by the said Act of 1871 having expired :

And whereas the failure to make such application within the said period arose through inadvertence, and the said Mark George Kerr Rolle is desirous and it is expedient that the said trustees should be empowered to invest the said sum of money, or so much thereof as they may think fit, in shares in the Company's undertaking as authorised by the said Act of 1871 :

And whereas the objects of this Act cannot be attained 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 :

Short title.

1. This Act may for all purposes be cited as the Sidmouth Railway Act, 1879.

Company may abandon railways authorised by 39 & 40 Vict. c. cex.

2. The Company may and shall abandon the construction of the railways authorised by the Sidmouth Railway Act, 1876, 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 and discharged from all obligation with respect to the making and maintaining of those railways.

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

3. The abandonment by the Company, under the authority of this Act, of the said 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 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 Sidmouth Railway Act, 1876.

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8 & 9 Vict.
c. 20.

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 railways by this Act authorised to be abandoned, 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.

Compensation to be made for non-completion of purchase of lands for railways abandoned.

8 & 9 Vict.
c. 18.

5. Immediately upon the passing of this Act, sections 9, 10, and 11 of the Sidmouth Railway Act, 1876, are by this Act repealed.

Repeal of ss. 9, 10, 11 of 39 & 40 Vict. c. cex.

6. Subject to the provisions of section 12 of the Sidmouth Railway Act, 1876, with respect to compensation to landowners and other persons injuriously affected, and for protection of creditors, the Chancery Division of the High Court of Justice, at any time after the passing of this Act, on the application of the person named in the warrant or order mentioned in section 11 of the said Act of 1876, or the executors or administrators of such person, by petition in a summary way, may and shall order that the sum of two thousand five hundred and eighty-six pounds New Three Pounds per Cent. Annuities mentioned in the said section 11, and the interest or dividends (if any) on that sum, shall be transferred and paid to the person or persons so applying, or to any other person or persons whom he or they may appoint in that behalf, and on such order being made the said sum, and the interest or dividends thereon, shall be transferred and paid to such person or persons accordingly.

As to return of deposit under 39 & 40 Vict. c. cex.

7. The trustees for the time being of the will of the said Lord Rolle, deceased, may, if they think fit, and subject to the sanction of the Chancery Division of the High Court of Justice in the action of *Drake v. Trefusis*, for administering the trusts of the said

Trustees of Lord Rolle may take shares in the Company

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will, out of any moneys in their hands available to be laid out in the purchase of hereditaments to be settled on the trusts of the said will, invest the said sum of two thousand two hundred and thirty pounds or any part thereof in shares in the capital of the Company created under the said Act of 1871, and may hold and apply the shares so purchased, and the interest or dividends received in respect thereof, as a part of the trust property coming to their hands under the said will.

Expenses of
Act.

8. All the costs, charges, and expenses of and incident to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Company.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1879.