



CHAP. xciii.

An Act for the abandonment of the railways authorized by A.D. 1869.
“The Southsea Railway Act, 1867;” and for other purposes.
[12th July 1869.]

WHEREAS by the Southsea Railway Act, 1867, the Southsea 30 & 31 Vict.
Railway Company (in this Act called “the company”) c. cxciv.
were incorporated for making two railways (together constituting
the Southsea Railway) to connect East Southsea, otherwise New
Southsea, with the joint line of the London and South-western
Railway Company and the London, Brighton, and South Coast
Railway Company :

And whereas that Act (section 24) provided that the powers of
the company for the compulsory purchase of lands should not be
exercised after two years from the passing of that Act (which period
expires on the twelfth day of August one thousand eight hundred
and sixty-nine) :

And whereas the circumstances of the times since the passing
of the said Act have rendered it impracticable to raise the capital
for the construction of the said railways, and no steps have been
taken in execution of the said Act, and it is expedient that the
undertaking be abandoned, and the said Act repealed :

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 :

1. This Act may for all purposes be cited as “Southsea Railway Short title.
(Abandonment) Act, 1869.”

2. The Company may and shall abandon the construction of the Company
may abandon
authorized
works.
railways authorized by the Southsea Railway Act, 1867.
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Compensation for damage to land by entry, &c. for the purposes of railway, &c. 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 in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act, 1845, 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 in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act, 1845, 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 last-mentioned Act or the Southsea Railway Act, 1867.

Compensation to be made in respect of contracts and notices.

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 any railway or works authorized to be abandoned by this Act, 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, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Repeal of sect. 27 of 30 & 31 Vict. c. exciv.

5. Immediately upon the passing of this Act section 27 of the Southsea Railway Act, 1867, is by this Act repealed.

Return of deposit under that Act.

6. On the application of the persons or the majority of the persons named in the warrant or order mentioned in that section 27, or the survivors or survivor of them, or the executors or administrators of such survivor, by petition in a summary way at any time after the passing of this Act, the High Court of Chancery may and shall order that the sum of two thousand pounds mentioned in that section, and the interest (if any) on that sum, shall be paid to the persons or person so applying, or to any other persons or person whom they or he may appoint in that behalf.

Winding up of company, and repeal of 30 & 31 Vict. c. exciv.

7. When all the debts, liabilities, and engagements of the company are paid, satisfied, or discharged, and the affairs of the company are

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wound up, the Southsea Railway Act, 1867, shall be by this Act A.D. 1869.
wholly repealed.

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

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