



CHAPTER cv.

An Act for the Abandonment of the Railways and Road authorised by the Freshwater, Yarmouth, and Newport Railway Act, 1873. A.D. 1877.
[23d July 1877.]

WHEREAS by the Freshwater, Yarmouth, and Newport Railway Act, 1873, (in this Act called the Act of 1873,) the Freshwater, Yarmouth, and Newport Railway Company were incorporated with a share capital of one hundred and thirty thousand pounds, and with authority to borrow on mortgage forty-three thousand pounds, and were authorised to make and maintain a railway (No. 1) commencing in the parish of Freshwater, on the eastern side of the high road leading from Freshwater Church to Freshwater Gate, and terminating in the parish of Yarmouth by a junction with railway No. 2, therein-after described; a railway (No. 2) commencing in the parish of Yarmouth by a junction with the railway authorised by the Yarmouth and Ventnor Railway, Tramway, and Pier (Deviations) Act, 1872, and terminating in the parish of Carisbrook by a junction with the Newport Railway, and a road in the parishes of Newport and Carisbrook commencing by a junction with Sea Street and terminating at or near the north-west end of the bridge carrying the road approach to the Newport Railway Station over the Lukely River or Brook in the direction of Holyrood Street (which railways and road are herein-after referred to as the railways and road):

And whereas a very small portion only of the capital authorised by the Act of 1873 has been raised, and the funds of the Company are wholly insufficient for the making of the railways and road authorised by that Act, and none of the powers of that Act in relation to the making of such railways and road have been exercised, and it is expedient that the railways and road should be abandoned,

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and the affairs of the Company wound up, and the Company dissolved and the recited Act repealed :

And whereas by the Act of 1873 (sections 29 and 30) provision is made with respect to a sum of government stock equal in value to five per centum upon one hundred and twenty thousand pounds (herein-after referred to as the railway deposit money), and it is expedient that such provision as is by this Act made with respect to the railway deposit money be made :

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,)

Short title.

1. This Act may for all purposes be cited as *The Freshwater, Yarmouth, and Newport Railway (Abandonment) Act, 1877.*

Abandonment of railways and road.

2. The Company may and shall abandon the making of the railways and road, 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 railways and road.

Compensation for damage to land by entry, &c.

3. The abandonment by the Company under the authority of this Act of the railways and road 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 1873.

Compensation for non-completion of purchase, &c.

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 or road, 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. A.D. 1877.

5. Subject to the provisions of section 30 of the Act of 1873, 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 29th section of the Act of 1873, or the survivors or survivor of them, by petition in a summary way, order that the railway deposit money, and the interest or dividends thereon, may be transferred or paid 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 railway deposit money, and the interest or dividends thereon, shall be transferred or paid to such person or persons accordingly. Providing for release of deposit.

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 1873 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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