



## CHAPTER ccxxxi.

An Act for vesting in the Plymouth Devonport and South-western Junction Railway Company the powers conferred by the Devon and Cornwall Central Railway Act 1882 and for the abandonment of a portion of the Railway authorised by that Act and for the dissolution of the Devon and Cornwall Central Railway Company and for other purposes.

A.D. 1884.

[7th August 1884.]

**W**HEREAS by the Plymouth Devonport and South-western Junction Railway Act 1883 (in this Act called "the Act of 1883") the Plymouth Devonport and South-western Junction Railway Company (in this Act called "the Company") were incorporated and empowered (section 6) to raise a capital of seven hundred and fifty thousand pounds in shares and (section 18) to borrow not exceeding two hundred and forty-nine thousand pounds and (section 5) to make and maintain the Plymouth Devonport and South-western Junction Railway being a railway from the London and South-western Railway at Plymouth and Devonport to that railway at Lidford with junctions with the Cornwall Railway at St. Budeaux and with the authorised Devon and Cornwall Central Railway at Calstock:

And whereas by the Devon and Cornwall Central Railway Act 1882 (in this Act called the Act of 1882) the Devon and Cornwall Central Railway Company (in this Act called the Devon Company) were incorporated and empowered (section 9) to raise a capital of two hundred and seventy thousand pounds in shares and (section 21) to borrow not exceeding ninety thousand pounds and to make and maintain the Devon and Cornwall Central Railway being a railway from the Great Western Railway and the London and South-western Railway respectively at Lidford to the East Cornwall Mineral Railway at Calstock and to Callington and certain other works and

A.D. 1884. to acquire the undertaking of the East Cornwall Mineral Railway Company :

And whereas the Company and the Devon Company have agreed subject to the sanction of Parliament and it is expedient that all the powers rights privileges and obligations (except the powers of raising share and loan capital) conferred upon the Devon Company by the Act of 1882 should be transferred to and vested in the Company :

And whereas the construction of the Plymouth Devonport and South-western Junction Railway will render unnecessary so much of the Devon and Cornwall Central Railway as is situate and lies between Lidford and the junction therewith at Calstock of the railway of the Company and it is expedient that the same be abandoned as by this Act provided :

And whereas the Devon Company have issued five hundred and seventy-two shares and no more in the capital authorised by the Act of 1882 and have not any mortgage or debenture debt and it is expedient that provision be made for substituting shares of the Company for those issued by the Devon Company and that the powers of raising share and loan capital under the Act of 1882 be extinguished :

And whereas the estimated cost of the works authorised by the Act of 1882 amounted to one hundred and eighty-seven thousand six hundred and seven pounds seven shillings and sixpence and a sum of nine thousand four hundred and twenty-eight pounds Three Pounds per Centum Consolidated Bank Annuities being equal to five per centum on the amount of such estimated cost was deposited with the Chancery Division of the High Court of Justice in respect of the application to Parliament for that Act :

And whereas the estimated cost of the works authorised by the Act of 1882 which are not by this Act required to be abandoned is twenty thousand pounds five per centum upon which is one thousand pounds and it is expedient that such provision as is herein-after contained be made with reference to the repayment of a portion of the sum deposited in respect of the application to Parliament for the Act of 1882 :

And whereas it is expedient that provision be made for the winding up of the affairs and the dissolution of the Devon Company :

And whereas it is expedient that such other provisions be made with respect to the Company and the Devon Company as are in this Act contained :

And whereas the objects aforesaid cannot be effected without the authority of Parliament : A.D. 1884.

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 Plymouth Devonport and South-western Junction Railway Act 1884. Short title.

2. On the passing of this Act all the rights powers privileges authorities and obligations of the Devon Company under or by virtue of the Act of 1882 except the powers of raising share and loan capital are by this Act transferred to and vested in the Company and may thenceforth be exercised and enjoyed by or enforced against the Company accordingly. Powers of Devon Company vested in Company.

3. All lands tenements and hereditaments which may have been acquired and all works which may have been executed by the Devon Company previously to the vesting are upon the vesting by this Act transferred to and vested in the Company for all the estate and interest of the Devon Company therein respectively. Lands and works previously acquired and executed by Devon Company vested in Company.

4. All deeds conveyances grants assignments leases purchases and sales mortgages and bonds covenants agreements contracts and securities which before the passing of this Act have been executed made or entered into by with to or in relation to the Devon Company or the directors thereof and which are in force at the time of the passing of this Act and all obligations and liabilities which before the passing of this Act have been incurred by or to or which but for the passing of this Act might or would have arisen in relation to the Devon Company or the directors thereof shall after the passing of this Act be as valid and of as full force and effect in favour of against or in relation to the Company as if the same had been executed made or entered into by with or to or in relation to or had been incurred by or to or had arisen in relation to the Company by name. Saving conveyances contracts &c.

5. All causes and rights of action or suit accrued before the passing of this Act and then in any manner enforceable by for or against the Devon Company shall after the passing of this Act be and remain as good valid and effectual for or against the Company as they would or might have been for or against the Devon Company if this Act had not been passed. Causes and rights of action reserved.

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Actions not  
to abate.

6. Nothing in this Act shall cause the abatement discontinuance or determination of or in anywise prejudicially affect any action suit or other proceeding commenced by or against the Devon Company either solely or jointly with any other company or with any person before the passing of this Act and then pending but the same may after the passing of this Act be continued prosecuted or enforced by or against the Company either solely or as the case may require jointly with such other company or with such person.

Saving sub-  
missions and  
awards.

7. No submission to arbitration of any matter in dispute between the Devon Company and any other company or any person under which any reference is pending and incomplete at the time of the passing of this Act and no award theretofore made and then remaining in force shall be revoked or prejudicially affected by anything in this Act contained but every such submission and award shall after the passing of this Act be as valid and effectual for or against the Company as it would have been for or against the Devon Company.

Contracts  
for land  
entered into  
to be  
executed.

8. Except as in this Act otherwise provided with respect to the railways by this Act required to be abandoned where the Devon Company has under the Act of 1882 entered into any contract for the purchase of or taken or used any lands which at the time of the passing of this Act have not been effectually conveyed to the Devon Company or the purchase money in respect of which has not been duly paid by them then and in every such case the contract if in force at the time of the passing of this Act shall thereafter be completed by and such lands shall be conveyed to the Company or as they direct and the purchase money shall be paid and applied pursuant to the Act of 1882 and that Act shall in relation to the completion of the contract and the purchase and conveyance of the lands and the payment and application of the purchase money in respect thereof be read and construed as if the Company were the company named in the Act and contract.

Application  
of moneys  
paid into  
bank or to  
trustees.

9. Where any money has before the passing of this Act been paid by the Devon Company or is thereafter paid by the Company under the Act of 1882 or this Act into the Bank of England or to any trustee or trustees on account of the purchase of any lands or any interests therein or for any compensation or satisfaction or on any other account such moneys or the stocks funds or securities in or upon which the same then is or thereafter may be invested by order of any court or otherwise and the interest dividends and annual produce thereof shall be applied and disposed of pursuant to

the Act of 1882 and that and every other Act shall in relation to such money stocks funds or securities or the interest dividends or annual produce thereof be after the passing of this Act read and construed as if the Company were the company therein named with reference to the same money stocks funds securities interest dividends or annual produce.

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10. Notwithstanding the transfer and vesting everything before the time of the transfer and vesting done suffered and confirmed respectively under or by virtue of any Act relating to the Devon Company shall be as valid as if this Act had not been passed and the transfer and vesting and this Act respectively shall accordingly be subject and without prejudice to everything so done suffered and confirmed respectively and to all rights liabilities claims and demands present or future which if the transfer and vesting had not taken place and this Act had not been passed would be incident to or consequent on anything so done suffered and confirmed respectively and with respect to all things so done suffered and confirmed respectively and to all such rights liabilities claims and demands the Company shall to all intents represent the Devon Company and the generality of this present provision shall not be deemed to be restricted by any other of the provisions of this Act.

General saving of rights and claims.

11. On the passing of this Act sections 9 to 24 (both inclusive) of the Act of 1882 relating to the share and loan capital of the Devon Company are by this Act repealed.

Repeal of sections of Act of 1882.

12. The Company may and shall abandon the making of the following railways and portion of railway authorised by the Act of 1882 (that is to say):—

Abandonment of railway.

The railways therein described as Railways Nos. 1 and 2 respectively and so much of the railway therein described as Railway No. 3 as is situate between the commencement thereof in the parish of Lamerton in the county of Devon and the junction therewith of the Railway No. 6 of the Company authorised by the Act of 1883 in the parish of Calstock in the county of Cornwall (and which railways and portion of railway so to be abandoned are herein-after referred to as "the abandoned railway") and on and after the passing of this Act the Company and the Devon 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 abandoned railway.

13. The abandonment by the Company under the authority of this Act of the abandoned railway shall not prejudice or affect the

Compensation for damage to

A.D. 1884. right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company or the Devon 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 the abandoned 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 or the Devon 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 1882.

land by  
entry &c.  
for purposes  
of abandoned  
railway.

Compensa-  
tion to be  
made in  
respect of  
abandoned  
railway.

14. Where before the passing of this Act any contract may have been entered into or notice given by the Company or the Devon Company for the purchasing of any land for the purposes of or in relation to the abandoned railway or any portion thereof the Company and the Devon 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.

Release of  
portion of  
money  
deposited  
under the  
Act of 1882.

15. On the application of the persons named in the warrant or order issued in pursuance of the Act of the ninth year of Her present Majesty chapter twenty in respect of the application to Parliament for the Act of 1882 or of the survivors or survivor of them or of the majority of such persons or survivors or of the executors or administrators of the last survivor by petition in a summary way at any time after the passing of this Act the Chancery Division of the High Court of Justice in England may and shall subject to the provisions of section 37 of the Act of 1882 with respect to compensation to landowners and other persons injured and for the protection of creditors order that the sum of eight thousand four hundred and twenty-eight pounds Three Pounds per Centum Consolidated Bank Annuities being part of the said sum of nine thousand four hundred and twenty-eight pounds Three per Centum Consolidated Bank Annuities mentioned in the 36th section

of the Act of 1882 and the interest and dividends thereof shall be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf and the 36th and 37th sections of the Act of 1882 shall operate and have effect with reference only to the balance of the said sum of nine thousand four hundred and twenty-eight pounds Three Pounds per Centum Consolidated Bank Annuities and the interest and dividends thereof.

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16. The Company may by agreement with the holder of each share in the Devon Company issue to him and in exchange therefor a share in the Company and the share so issued by the Company shall be deemed paid up to the same amount as the sum paid on the share for which it is substituted and the share so issued by the Company shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisions declarations agreements charges liens and encumbrances as at the time of the issue thereof affect the share in the Devon Company in substitution for which the share in the capital of the Company is issued and so as to give effect to and not revoke any testamentary disposition of or affecting such share.

Shares of the Company to be issued in lieu of shares in Devon Company.

17. Forthwith after the passing of this Act the Devon Company shall proceed to wind up their affairs and shall pay satisfy and discharge all their debts liabilities and engagements (if any) not paid satisfied and discharged by the Company.

Provision for winding-up affairs of Devon Company.

18. When all the debts liabilities and engagements of the Devon Company are paid satisfied or discharged and their affairs are wound up the Devon Company shall be by this Act dissolved and shall thenceforth wholly cease to exist and sections 25 26 27 28 and 29 of the Act of 1882 shall be by this Act repealed.

Dissolution of Devon Company.

19. Within one year after the opening of through communication by the Company between Lidford and Devonport the Company shall complete the purchase from the East Cornwall Mineral Railway Company of their railway and shall enter into possession of that railway under the provisions of the Devon and Cornwall Central Railway Act 1882 (as made obligatory by this Act upon the Company) and if the purchase money shall not then be paid the Company shall pay interest from the date of taking possession or expiry of the said year whichever shall first happen on the amount of the said purchase money to the East Cornwall Mineral Railway Company at the rate of £5 per cent. per annum until payment of such purchase money And such interest shall be paid by the Company (or any other Company working the railway of the Company or any part of

Provisions for the protection of the East Cornwall Mineral Railway Company.

A.D. 1884. the same) out of and as a first charge upon the receipts of the Company next after the working expenses The railway of the East Cornwall Mineral Railway Company shall be duly conveyed to the Company who shall not call upon the East Cornwall Mineral Railway Company to show any other title to the lands than deeds purporting to be conveyances of the same and it shall not be competent for the Company to investigate or inquire into the title of the respective vendors to the East Cornwall Mineral Railway Company.

Saving  
rights of the  
Postmaster-  
General.

20. Nothing in this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the Devon Company's undertaking and from time to time to alter such telegraphic lines and to enter upon the land or works comprised in the undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the Devon Company's undertaking is owned leased or worked by the Company or amalgamated with the undertaking thereof and as freely and fully in all respects as he was entitled to do before the passing of this Act.

Application  
of moneys.

21. The Company may apply to the purposes of the Act of 1882 and this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise under the Act of 1883 and which may not be required for the purposes to which they are by such Act made specially applicable.

Provision as  
to general  
Railway  
Acts.

22. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by any Act relating to the Company.

Expenses of  
Act.

23. All the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.