



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxxxvii.

An Act to enable the *Sidmouth* Railway and Harbour Company to make and maintain a Branch from their authorized Railway in the Parish of *Sidmouth*; and for other Purposes.

[5th July 1865.]

WHEREAS by the "*Sidmouth* Railway and Harbour Act, 1862," (herein-after called "the Company's Act,") the *Sidmouth* Railway and Harbour Company (herein-after called "the Company") were incorporated: And whereas it is expedient that the Company be authorized to make and maintain the Railway in connexion with the authorized Line of the Company herein-after described: And whereas it is expedient that the Time for the compulsory Purchase of Lands, and also for the Completion of the Works limited by the Company's Act, should be extended: And whereas Plans and Sections of the intended Line of Railway showing the Lines and Levels thereof respectively, and the Lands in which the same is intended to be made, and a Book of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Devon*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty

25 & 26 Vict
c. ccxxxvii.

[*Local.*]

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that

The Sidmouth Railway and Harbour Act, 1865.

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 *Sidmouth Railway and Harbour Act, 1865.*"

8 & 9 Vict.
cc. 16., 18.,
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," (save so far as any of the Provisions of those Acts are expressly varied by this Act,) are incorporated with and form Part of this Act.

Same Mean-
ings to
Words in
incorporated
Acts as in
this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, in this Act or any Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Words "Shares" and "Shareholders" include, when requisite, Stock and Stockholders,

Power to
reduce
Number of
Directors.

4. The Company may reduce the Number of Directors authorized by the Company's Act, so that the Number shall never exceed Six or be less than Three; and if reduced to Three the Quorum of a Meeting shall be Two.

Power to
Company to
take Lands
compul-
sorily.

5. The Company, subject to the Provisions of this Act, from Time to Time may enter upon, take, and use, for the Purposes of the Works by this Act authorized, such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit.

Powers for
compulsory
Purchases
limited.

6. The Company's Powers under this Act for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years after the passing of this Act.

Power to
Company to
make Works
authorized.

7. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Lines of Railway and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and, as far as the Lines and Levels thereof are shown on the deposited Plans and Sections, may make and maintain the same in accordance with the Lines and Levels so shown.

Works
authorized
by Act.

8. The Line of Railway and Works by this Act authorized to be made and maintained by the Company comprise the following Line of Railway and Works, with all proper and sufficient Sidings, Stations, Buildings, Yards, Bridges, Viaducts, and other Works and Conveniences connected therewith; (that is to say,)

A Railway,

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A Railway, with all proper and necessary Stations, Sidings, Approaches, and other Works and Conveniences connected therewith, commencing in the Parish of *Sidmouth* in the County of *Devon* by a Junction with the authorized Line of the Company at a Point 195 Yards or thereabouts, when measured in a North-western Direction, from the Commencement of the Railway described in "The *Sidmouth* Railway and Harbour Act, 1862," as Railway No. 2, and which said Point is situate about the Centre of the North-westernmost Side of a certain Enclosure numbered 56 on the Plans deposited with the Clerk of the Peace for the County of *Devon* in respect of the Application to Parliament for such last-mentioned Act, and terminating also in the said Parish of *Sidmouth* on the Northern Bank of a certain public Road commonly known by the Name of *Brewery Lane* at a Point 236 Yards or thereabouts, when measured in a Westernly Direction, from the Place where the said *Brewery Lane* leaves the Turnpike Road leading from *Sidmouth* to *Sidbury* and *Honiton*, and which said intended Railway will be wholly situate in the said Parish of *Sidmouth*.

9. The Railway shall be carried over the Roads numbered respectively on the deposited Plans 62 and 134 in the Parish of *Sidmouth* only at such Points within the Limits of Deviation shown on the deposited Plans and in such Manner as shall be agreed upon between the *Sidmouth* Local Board and the Company, or as, in case of Difference between them, shall be settled by an Arbitrator to be appointed by the Board of Trade, on the joint Application of the said Parties, or of either of them, made after Twenty-one Days Notice in Writing given to the other; and it shall not be lawful for the Company to make any Alteration or Diversion of either of the said Roads without the Consent of the Local Board, to be signified under their Hands and Seals, or the Sanction of such Arbitrator; and in case of Reference to the Board of Trade all the Costs, Charges, and Expenses attending the Reference and Arbitration shall be borne and defrayed by the Company.

For Protection of the Sidmouth Local Board.

10. The Line of Railway by this Act authorized shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act conferred on the Company with respect to the making of the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed; and the Periods limited by the Company's Act in respect of the Railways, Harbour, and Works authorized for the compulsory Purchase of Lands and Houses and for the Completion of the Undertakings shall be respectively extended to One Year beyond the Period limited by the said Act.

Period for Completion of Lines of Railway.

11. In all respects not by or under the Provisions of this Act otherwise provided for, the Railway by this Act authorized shall be deemed Part of the Undertaking of the Company, and the Provisions of Section 61. of the Company's Act, and any Agreement or Agreements entered into with the *London and South-western Railway Company*

Railway by this Act authorized to be deemed Part of the Company's Undertaking.

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Company under those Provisions with respect to the Company's Main Line and the Traffic thereon, shall (with the Consent in Writing of the *London and South-western* Railway Company under their Common Seal) extend and apply to the Railway by this Act authorized and the Traffic thereon, as though the last-mentioned Railway had been authorized by the Company's Act, and expressly included in such Agreement or Agreements.

Power to Company to take Tolls, &c. on Railways by this Act authorized.

12. Subject to the Provisions of the several Acts from Time to Time in force and applicable in that Behalf, the Company from Time to Time, in respect of the Railway by this Act authorized, may demand and take for all Passengers, Carriages, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks conveying the same respectively, and for Locomotive Engines and other Power provided for the Conveyance thereof, and for all Services performed by them thereon or in respect thereof, a like Amount of Tolls, Fares, Rates, and Charges as by the Company's Act they are authorized to demand, and take for like Traffic, Matters, and Services on or with respect to their Main Line, and in like Manner, and subject to like Provisions in all respects, as if the Railway by this Act authorized was Part of their Main Line.

Lines of Railway to be deemed continuous as to Tolls.

13. In estimating Tolls, Fares, Rates, or Charges, the Railway by this Act authorized, and the Company's other Line of Railway, shall be deemed to be One continuous Line of Railway.

Company may take increased Charges by Agreement.

14. Nothing in this Act contained shall prevent the Company from taking any increased Charges over and above the Charges limited for the Conveyance of Carriages, Animals, and Things of any Description, by Agreement with the Owners or Persons in charge of the same, either with respect to the Conveyance of the same (except small Parcels) by Passenger Trains, or by reason of any other special Service (other than the Conveyance of the same) performed by the Company with respect to the same.

Railways not exempt from Provisions of present and future General Acts.

15. This Act shall not exempt the Company, or any other Railway Company to which this Act relates, from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the Fares, Rates, and Charges by this Act or any other Act relating to the respective Company authorized, or of the Rates for small Parcels thereby authorized.

Expenses of Act,

16. All the Costs, Charges, and Expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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