



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cclxxiii.

An Act for making a Deviation in the Line of the
Taw Vale Railway, for making Branches there-
from to the Towns of *Bideford* and *South Molton*,
for enlarging the Dock, and for amending the
Acts relating thereto. [22d July 1847.]

WHEREAS an Act was passed in the First Year of the
Reign of Her present Majesty Queen *Victoria*, intituled
An Act for making a Railway from Penhill in the Parish 1 & 2 Vict.
of Fremington in the County of Devon to the Town of Barnstaple, c. 27.
and for constructing a Dock in the said Parish of Fremington, to be
called "The Taw Vale Railway and Dock:" And whereas another
Act was passed in the Eighth and Ninth Years of the Reign of Her
said present Majesty, intituled *An Act to amend the Act relating to* 8 & 9 Vict.
the Taw Vale Railway and Dock: And whereas another Act was c. 107.
passed in the last Session of Parliament, intituled *An Act for* 9 & 10 Vict.
amending the Acts relating to the Taw Vale Railway and Dock, c. 355.
and for making an Extension therefrom to the Exeter and Crediton
Railway in the County of Devon: And whereas it is expedient that
the *Taw Vale* Railway and Dock Company incorporated by the first-
recited Act should be enabled to make a certain Deviation in the
Line of the said Railway authorized by the lastly-recited Act, such
Deviation extending from a Point in the Parish of *Tawstock* to a
[Local.] 44 M Point

Powers of re-
cited Acts
extended to
this Act.

Point in the Parish of *Bishops Tawton*, and also to make an Alteration in the Dock in the Parish of *Fremington*: And whereas it would be of public Advantage if Powers were given to the *Taw Vale* Railway and Dock Company to make Branch Railways to communicate with the Towns of *South Molton* and *Bideford*, both in the County of *Devon*: And whereas it is also expedient that some of the Powers and Provisions of the recited Acts should be repealed, and that further, better, and more effectual Powers should be granted instead thereof, and conferred upon the said Company; but the Purposes aforesaid cannot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, That all the Provisions, Matters, and Things contained in the said recited Acts relating to the *Taw Vale* Railway and Dock, or any of them, so far as the same are now unrepealed, and except such as have expired by Effluxion of Time, or are inapplicable to this Act, or inconsistent with or provided for by this Act, or by the Lands Clauses Consolidation Act, 1845, or with or by such of the Clauses and Provisions of the Railway Clauses Consolidation Act, 1845, as are made applicable to this Act, shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

8 & 9 Vict.
cc. 18. and
20. incor-
porated with
this Act.

II. And be it enacted, That the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this Act.

Certain Pro-
visions of
recited Acts
repealed.

III. And be it enacted, That all the Powers and Provisions contained in the recited Acts passed in the First, Eighth and Ninth, and Ninth and Tenth Years of the Reign of Her present Majesty, which are otherwise provided for by the Companies Clauses Consolidation Act, 1845, or by this Act, shall be and the same are hereby repealed.

8 & 9 Vict.
c. 16. incor-
porated with
this Act.

IV. And be it enacted, That the Companies Clauses Consolidation Act, 1845, shall be incorporated with and form Part of this and the said recited Acts, in the same Manner as if the *Taw Vale* Railway and Dock Company had been originally established subject to the Provisions of such Act.

Repeal of
Provisions of
recited Acts
not to affect
Matters done
in pursuance
thereof.

V. And be it enacted, That the Repeal of so much of the said recited Acts as is inconsistent with the said Companies Clauses Consolidation Act shall not affect the Incorporation of the *Taw Vale* Railway and Dock Company, nor prejudice the Determination of any Meetings held, or any Proceedings taken, whether by the Company or the Directors thereof, or by other Parties in pursuance thereof, nor the Registration of Shares in the Capital of the Company, nor affect the Amount of the Capital of the Company, nor the Rights and Liabilities of the Shareholders under the recited Acts.

VI. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between each Call.

VII. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Fifteen thousand Pounds in the whole.

VIII. And be it enacted, That the Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*, and the first of such Ordinary Meetings shall be held in *August* or *February*, whichever shall first happen after the passing of this Act; and all Meetings, whether ordinary or extraordinary, and all Meetings of Directors, shall be held in *London*, *Exeter*, or *Barnstaple*, or at such other Place or Places as the Directors for the Time being may determine.

IX. And be it enacted, That the Quorum for every General Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than Forty thousand Pounds in the Capital of the Company.

X. And be it enacted, That the Number of Shareholders on whose Requisition an Extraordinary Meeting may be required to be convened shall be Twenty Shareholders holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

XI. And be it enacted, That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For One Share or more, but not exceeding Five, One Vote :
For more than Five, but not exceeding Ten, Two Votes :
For more than Ten, but not exceeding Twenty, Three Votes :
For more than Twenty Shares, an additional Vote for every Ten Shares.

XII. And be it enacted, That the Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

XIII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Fifteen, and that the reduced Number be not less than Eight.

XIV. And be it enacted, That the Directors of the *Taw Vale* Railway and Dock Company at the Time of the passing of this Act shall continue to be Directors of the Company.

XV. And

Retirement
of Directors.

XV. And be it enacted, That the Order in which such Directors shall retire from Office shall be determined by Ballot amongst themselves, and the first Retirement of Directors shall take place at the Ordinary Meeting to be held in the Month of *February* in the Year One thousand eight hundred and forty-eight, and the Number to retire, and the supplying of the Places of the Directors so retiring, shall be in accordance with the Provisions of the Companies Clauses Consolidation Act, 1845.

Quorum of
Directors.

XVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees
of Directors.

XVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three, and the Quorum of such Committees shall be such as the Directors shall at the Time of appointing the said Committee prescribe, not less than Three.

Newspapers
for Insertion
of Advertise-
ments.

XVIII. And be it enacted, That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the County of *Devon*.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XIX. And whereas Plans and Sections of the Deviation and Branch Railways, and Alterations in the Dock, showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Devon*; be it enacted, That, subject to the Provisions in this Act and the said recited Acts, and in the said Lands Clauses Consolidation Act, and Railway Clauses Consolidation Act, contained, and to the Powers of Deviation in the last-mentioned Act contained, it shall be lawful for the *Taw Vale* Railway and Dock Company to make and maintain the said Deviation, Alterations in the Dock, and Branch Railways and Works connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Description
of Lines.

XX. And be it enacted, That it shall be lawful for the said Company to make and maintain the Deviation, Alterations, and Branch Railways following; (that is to say,)

A Railway commencing by a Junction or Junctions with the said *Taw Vale* Railway at or near the Termination of the said *Taw Vale* Railway at *Fremington Dock* in the said Parish of *Fremington* in the said County of *Devon*, passing thence from, in, through, or into the several Parishes, Townships, and extra-parochial Places of *Fremington*, *Tawstock*, *Instow*, *Westleigh*, and *Bideford*, or some of them, all in the said County of *Devon*, and terminating at or near the Shipwrights Yard called *Brooks Yard*, near to or adjoining the Street called *The East the Water* in or near the Town of *Bideford* in the said Parish of *Bideford* in the said County of *Devon* :

A Deviation

A Deviation in the Line of the *Taw Vale* Railway Extension as authorized by the Act passed in the last Session of Parliament, commencing by a Junction with the Line of the said Railway in or near a Field numbered 10, in the said Parish of *Tawstock* in the said County of *Devon*, in the said Plans of the said *Taw* Railway Extension deposited with the Clerk of the Peace for the said County of *Devon* in the Month of *November* in the Year One thousand eight hundred and forty-five, and passing thence from, in, through, or into the several Parishes, Township, and extra-parochial Places of *Tawstock*, *Fremington*, and *Bishops Tawton*, all in the said County of *Devon*, or some of them, and terminating in the authorized Line of the said Railway Extension in or near to a Field numbered 20, in the Parish of *Bishops Tawton* in the said County of *Devon*, in the said deposited Plans :

A Branch Railway commencing by a Junction with the authorized Line of the *Taw Vale* Railway in or near a Field numbered 12, in the Parish of *Atherington* in the County of *Devon*, passing from, in, through, and into the several Parishes, Townships, and extra-parochial Places of *Tawstock*, *Bishops Tawton*, *Atherington*, *Swimbridge*, *Warkleigh*, *Satterleigh*, *Filleigh*, *George Nympton* otherwise *Nympton*, *Chittlehampton*, *Chittlehamholt*, and *South Molton*, or some of them, all in the said County of *Devon*, and terminating in or near a Field called the *Horsepond Meadow*, near to or adjoining a Street or public Road called *The Causeway* in or near the Town of *South Molton* in the said Parish of *South Molton* in the said County of *Devon* :

An Alteration in the *Fremington Dock* by enlarging the existing Works and making a Floating Dock with Lock Gates, Sluices, Piers, and other Works, Landing Places, and other Conveniences, in the Parish of *Fremington* in the said County of *Devon*.

XXI. And be it enacted, That if the Level of any public Carriage Road shall be altered in making the Deviations and Branch Railways the Ascent of such public Carriage Road shall not be less than One Foot in Thirty Feet, except in the Case of the public Road numbered 66 in the Parish of *Instow*, which may be constructed by the Company in the Manner shown on the deposited Sections, but the Inclination of such Road shall not be less than One Foot in Twenty Feet.

Inclinations
of public
Carriage
Roads.

XXII. And be it enacted, That the said Company shall abandon such Parts of the Extension Railway by the said recited Act, passed in the last Session of Parliament authorized to be constructed as lies between the Commencement of the Deviation in the Parish of *Tawstock* and its Junction with the Main Line in the Parish of *Bishop's Tawton*, as by reason of the Deviation hereby authorized to be made may be rendered unnecessary ; and all the Powers, Authorities, and Privileges which by the said recited Act are given for making and maintaining the Portion of the said Extension Railway by this Act authorized to be abandoned shall, from and after the making of the said Deviation herein-before mentioned, cease and determine.

Power to
abandon
Lines in lieu
of which
Deviations
made.

Period for
compulsory
Purchase
of Lands
limited.

XXIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

XXIV. And be it enacted, That the Deviation, Alterations, and Branch Railways shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Deviations, Alterations, and Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Deviation, Alterations, and Branch Railways as shall then be completed.

Dock Gates
to be opened
at Spring
Tides.

XXV. And be it enacted, That the Dock Gates at *Fremington Pill* shall during Spring Tides be opened by the Company for the Scour of the Channel, and all Boats, Barges, and masted Vessels shall be permitted by the said Company to pass through the Dock into the upper Basin of Eighteen Acres free of Charge for the Purpose of loading and unloading there for the Use of the Owners or Occupiers of the Shores of either Side of *Fremington Pill* for the Time being, as heretofore they have been accustomed, but no farther or otherwise, *videlicet*, any Clay, Earthenware, *Cornish* Slate, Gravel, Sand, Dung, Coals for their own private Use, and Culm to burn Limestones found on the Lands of either of them in the said Parish of *Fremington*.

No Devia-
tion to be
made Sea-
ward without
Consent of
Admiralty.

XXVI. And be it enacted, That in constructing the said Railway from *Fremington* to *Bideford* no Deviation shall be made Seaward of the Black continuous Line of Way shown on the Plan deposited at the Admiralty Office without the previous Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Sea Wall to
be con-
structed in
certain
Cases.

XXVII. And be it enacted, That wherever the Railway is carried within the Line of High-water Mark at Spring Tides, or at a less Distance than Thirty Feet from it, the said Company shall at their own Expence construct, maintain, and keep in repair a Sea Wall parallel to the Railway at a Distance of not less than Thirty Feet, so that the Advantages of Communication with the Shore may be continuous to the Public.

Openings to
be con-
structed as
Admiralty
shall ap-
prove of.

XXVIII. And be it enacted, That the said Company shall construct, maintain, and keep in repair such a Number of Openings or Passages over and under or across the said Railway for Communication with the Shore in such Manner and Form as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and previous to commencing any of the said Openings or Passages the said Company shall deposit at the Admiralty Office at *Whitehall* Plans and Sections thereof showing the Dimensions of the said Openings and Passages, and exhibiting thereon the Lines of High and Low Water Mark.

XXIX. And

XXIX. And be it enacted, That the said Company shall, within Six Months after the passing of this Act, pay to Her Majesty's Paymaster General the Sum of Three thousand Pounds, to be applied under the Directions and at the Discretion of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, for improving and deepening the Estuary of the *Taw* between the Bar and *Fremington Dock*. A Sum of 3,000*l.* to be paid by the Company for the Improvement of the River Taw.

XXX. And be it enacted, That if any Work to be constructed by the Company across any Tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly. Works across Tidal Waters abandoned may be removed by Admiralty.

XXXI. And whereas the estimated Expence of making the said Deviation and Branch Railways and Alterations in the Docks is One hundred and seventy-six thousand seven hundred and forty-nine Pounds; be it enacted, That it shall be lawful for the Company to raise by the Creation of new Shares in the said Company, in addition to the Sum of Money which they are by the recited Acts authorized to raise, any further Sum of Money not exceeding in the whole One hundred and eighty thousand Pounds. Power to raise additional Money by Creation of new Shares.

XXXII. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any General or Special General Meeting of the Company, and shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls for such additional Capital, and the Amount of such Calls respectively, which it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit. New Shares to be considered same as original Shares.

XXXIII. And be it enacted, That after the whole of the Capital by this and the recited Acts authorized to be created shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Sixty thousand Pounds. Power to borrow Money on Mortgage.

XXXIV. And be it enacted, That all Sums raised by Mortgage or Bond under the recited Acts shall have Priority over the Sums authorized to be raised by Mortgage or Bond under this Act. Sums raised under former Act to have Priority.

XXXV. And

Same Tolls
to be taken
as on Main
Line.

XXXV. And be it enacted, That it shall be lawful for the Company, except as herein-after specified, to demand and receive for and in respect of the said Deviation and Branch Railways and Docks the same Tolls and Charges as they are by the said recited Acts authorized to demand and receive for and in respect of the Railway by such Acts authorized to be constructed.

Maximum
Charges.

XXXVI. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the Company in respect of the said Deviation and Branch Railways shall in no Case exceed the maximum Charges authorized by the said recited Acts; and it shall be lawful for the Company to take the same Rates and Duties in respect of the Enlargements of their Docks, new Quays, and other Works as they are authorized to take by the Act passed in the First Year of the Reign of Her present Majesty in respect of the Docks and other Works thereby authorized to be made.

Exemption
of certain
Vessels.

XXXVII. And be it enacted, That nothing in this Act or in the recited Acts or any of them contained shall extend to charge with Tolls, Rates, or Duties, or to regulate or subject to any Control, any Vessel belonging to or employed in the Service of Her Majesty, Her Heirs or Successors, or any Member of the Royal Family, or in the Service of the Customs or Excise, or of the Corporation of *Trinity House of Deptford Strond*, or the Commissioners of Northern Lights, using the Dock and not conveying Goods for Hire, or any Packet Boat, or Post Office Packet being a Packet Boat, or Post Office Packet as defined under the Provisions of any Act relating to the Post Office, or any Post Office Bag of Letters conveyed by any such Packet Boat or Packet, or by any other Vessel whatsoever, or any of the Officers or Persons employed in the Service of the Admiralty, Ordnance, Customs, Excise, or Post Office, or their Baggage, or any Vessels or Goods being under Seizure by the Officers of the Revenue, or any Naval, Victualling, or Ordnance Stores, or other Stores or Goods for the Service of or being the Property of Her Majesty, or any Troops landed upon, or delivered or disembarked from, any of the Quays of the Dock, or their Baggage, but all such Vessels, Officers, or Persons as aforesaid shall have the free Use of the Dock without any Charge or Rate being made for using the same: Provided always, that if any Person claim and take the Benefit of any such Exception as aforesaid without being entitled thereto he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Saving the
Rights of
the Crown.

XXXVIII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers,

or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XXXIX. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Interest not
to be paid on
Calls paid up.

XL. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
Company's
Capital.

XLI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Deviations and Branch Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said intended Deviations and Branch Railways so far as the same shall be applicable thereto.

Railway
Company to
be subject
to the Pro-
visions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

XLII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, which may pass during the present or

Railway to
be subject to
Provisions of
any future
general Act.

[Local.]

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any

any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of
Act.

XLIII. And be it enacted, That all Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged out of the Funds of the Company in preference to all other Payments whatsoever.

Interpreta-
tion Term.

XLIV. And be it enacted, That the Term "the Company" in this Act shall mean the *Taw Vale* Railway and Dock Company.

Public Act.

XLV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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