



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. xcix.

An Act for authorizing the *Teign Valley* Railway Company to make and maintain a Deviation of their authorized Railway; and for other Purposes. [13th July 1868.]

**W**HEREAS by "The *Teign Valley* Railway Act, 1863," (in this Act called the Act of 1863,) the *Teign Valley* Railway Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain the *Teign Valley* Railway, being a Railway commencing by a Junction with the authorized Line of the *Moretonhampstead and South Devon* Railway in the Parish of *Bovey Tracey*, and terminating in the Parish of *Doddiscombsleigh*, all in the County of *Devon*, and the Time limited for the Completion thereof was Five Years from the passing of the Act of 1863: And whereas by "The *Teign Valley* Railway Act, 1865," (in this Act called the Act of 1865,) additional Powers were conferred upon the Company, and the Company and the *South Devon* Railway Company were authorized to enter into and carry into effect Working and Traffic and other Arrangements with respect to the Company's Railway authorized by the Act of 1863: And whereas the Company have nearly completed the

26 & 27 Vict. c. clx.

28 & 29 Vict. c. cliv.

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greater Part of their authorized Railway: And whereas the Company are desirous, and it is expedient that they be authorized, to make and maintain the Railway by this Act authorized in substitution for and by way of Deviation of Part of their authorized Line, and to abandon the Construction of so much of their authorized Line as will be rendered unnecessary by the making of the substituted Railway: And whereas it is expedient that the Period limited by the Act of 1863 for the Completion of the Railway by that Act authorized be extended: And whereas Plans and Sections showing the Lines and Levels of the Railway by this Act authorized, and the Lands to be taken for the Purposes of this Act, and Books 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 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 be cited for all Purposes as "The *Teign Valley Railway Act, 1868.*"

8 & 9 Vict.  
cc. 16. & 18.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part One (relating to the Construction of a Railway), and Part Two (relating to Extension of Time), and Part Three (relating to Working Agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpre-  
tation of  
Terms.

3. The several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" means the *Teign Valley Railway Company*; the Expression "the Railway" or "the Undertaking" means the Railway by this Act authorized; the Expression "the Act of 1863" means "The *Teign Valley Railway Act, 1863*;" the Expression "the Act of 1865" means "The *Teign Valley Railway Act, 1865*;" and the Expression "Superior Courts" or "Court of

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of competent Jurisdiction," or any other like Expression in this Act or any Act wholly or partially 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.

4. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is—

Power to make Railway according to deposited Plans.

A Deviation Railway, One Mile Three Furlongs Four Chains and Five Yards in Length, commencing by a Junction with the *Teign Valley Railway* in the Parish of *Chudleigh* in the County of *Devon*, and terminating by a Junction with that Railway in the Parish of *Henock* in the same County:

And the Railway shall, for the Purposes of Tolls, Rates, and Charges, and for all other Purposes whatsoever, form Part of the Undertaking of the Company as if the same had originally formed Part of the Line of the *Teign Valley Railway* authorized by the Act of 1863.

5. The Company from Time to Time may apply for the Purposes of this Act any Monies now or hereafter belonging to them, save only so far as the Application of any such Money is otherwise specially provided for, and the Money is required for the special Purpose for which it is so made applicable.

Application of Monies by Company.

6. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

7. The Railway shall be completed within Two Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

8. The Company shall abandon the Construction of so much of their Railway authorized by the Act of 1863 as lies between the Commence-

Company to abandon Portion of their authorized Line.

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Commencement and Termination of the Railway by this Act authorized.

Compensation for Damage to Land by Entry, &c. for Purposes of Railway abandoned.

9. The Abandonment by the Company under the Authority of this Act of any Portion of Railway 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 of 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 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 Act of 1863.

Compensation to be made in respect of Portion of Railways abandoned.

10. 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 Purpose of or in relation to any Portion of the Railway authorized to be abandoned by this Act, and which shall not be required for the Purposes of the Work by this Act authorized, 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.

Extending Provisions of Act of 1865 as to Arrangements with South Devon Company.

11. Subject to the Provisions of this Act, Sections 26 and 27 of the Act of 1865 shall extend and apply to the Railway by this Act authorized as fully and effectually in all respects as if that Railway had formed Part of the *Teign Valley Railway* authorized by the Act of 1863.

As to Agreements between the Landowners and the Company for the Purchase of Land.

12. The Agreements between the Landowners and the said Company for the Purchase of Land for the Purposes of the said Railway which have not been carried out, and under which Agreements Possession of the Land has been given to the said Company, shall remain

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remain and be in full Force and Effect, the same as when entered into by the aforesaid Parties, except as to such Parts of the said Railway as by this Bill are authorized to be deviated from.

13. The Period by the Act of 1863 limited for the Completion of the Railway and Works by that Act authorized, except such Part thereof as is by this Act required to be abandoned, is by this Act extended, and that Railway, except as aforesaid, may and shall be completed within Two Years after the passing of this Act, and on the Expiration of that Period the Powers by the Act of 1863 granted for the Completion of that Railway, except as aforesaid, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Extending Time for Completion of Railway authorized by the Act of 1863.

14. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, Privileges, or Authorities of the Company.

Saving Rights of Company.

15. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him; provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid out of Capital.

16. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the 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.

17. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to Railways, or the better or 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 Tolls for small Parcels, and the maximum Rates of Fares and Charges, by this Act authorized.

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

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Expenses of Act.

18. All the Costs, Charges, and Expenses of and incident to the preparing, for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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VICTORIA REGINA