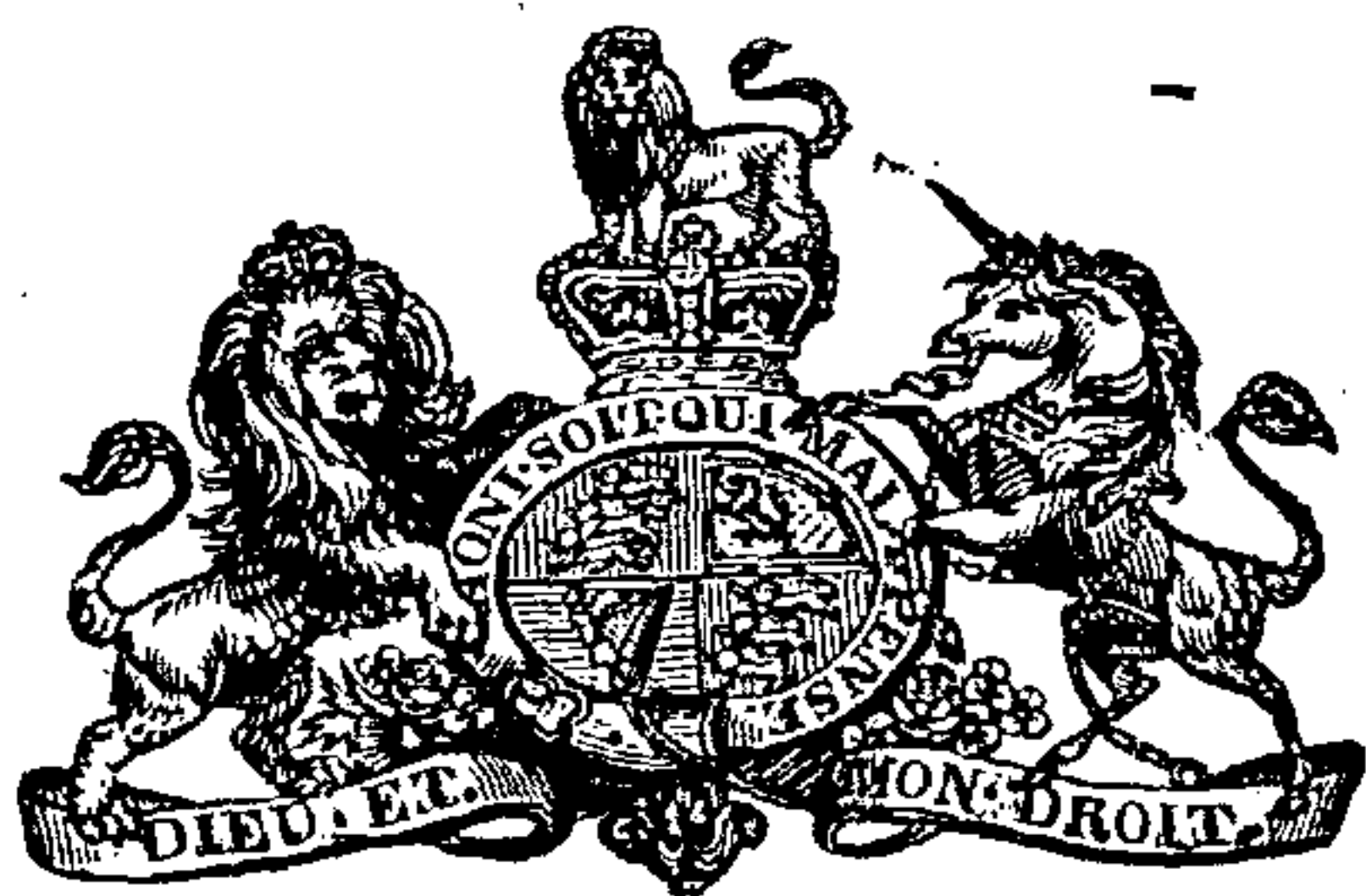


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Railway (Extension of Time) Act, 1891.



CHAPTER cxc.

An Act to revive the Powers for the compulsory purchase A.D. 1891.
of Lands and to extend the Time limited for the comple-
tion of the Exeter Teign Valley and Chagford Railway.
[5th August 1891.]

WHEREAS by the Exeter Teign Valley and Chagford Railway Act 1883 (in this Act called "the Act of 1883") the Exeter Teign Valley and Chagford Railway Company (in this Act called "the Company") was incorporated with power to raise two hundred and forty thousand pounds by shares and to borrow any sum not exceeding eighty thousand pounds on mortgage and was authorised to make and maintain certain railways and works in the county of Devon (in this Act referred to as "the Railway"):

And whereas the time limited by the Act of 1883 for the compulsory purchase of lands for the purpose of the construction of the railway was by the Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1886 (hereinafter called "the Act of 1886") extended until the expiration of two years from the twentieth day of August one thousand eight hundred and eighty-six and by the same Act the time limited by the Act of 1883 for the completion of the railway was extended until the expiration of three years from the twentieth day of August one thousand eight hundred and eighty-eight:

And whereas the time limited by the Act of 1886 for the compulsory purchase of lands for the purposes of the railway expired on the twentieth day of August one thousand eight hundred and eighty-eight and the time limited for the completion of the railway will expire on the twentieth day of August one thousand eight hundred and ninety-one and it is expedient that the powers of the Company for the compulsory purchase of lands for the purposes of the railway should be revived and extended and that the time for the completion of the railway should be further extended in manner hereinafter provided:

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A.D. 1891. — And whereas the purposes of this Act 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 :—

Short title. 1. This Act may be cited as the *Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1891.*

Incorporation of part of Railways Clauses Act 1863. 2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Revival and extension of time for the compulsory purchase of lands. 3. The powers granted to the Company by the Act of 1883 as extended by the Act of 1886 for the compulsory purchase of lands for the purposes of the railway are hereby revived and extended and may be exercised for a period of two years from the twentieth day of August one thousand eight hundred and ninety-one.

Extension of time for construction of authorised railway. 4. The time limited by the Act of 1883 as extended by the Act of 1886 for the completion of the railway is hereby further extended for the period of three years from the twentieth day of August one thousand eight hundred and ninety-one and section thirty-six of the Act of 1883 shall be read and construed as if the period by this Act limited for the completion of the railway had been the period by that Act limited. If the railway be not completed within the extended period by this Act limited for its completion then on the expiration of that period the powers for making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Deposit money not to be repaid except so far as railway is opened. 5. Section thirty-six of the Act of 1883 is hereby repealed and in lieu thereof the provisions hereinafter contained shall have effect as fully and effectually as if they had been specifically enacted in the Act of 1883 in lieu of the said section thirty-six. The provisions hereinbefore referred to are as follows (viz.) :—

Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of twelve thousand and five pounds Consolidated Bank Annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for the Act of 1883 which sum is referred to in this Act as the deposit fund. Be it enacted that

notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as the depositors) unless the Company shall previously to the expiration of the period extended and limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the said railways the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion that the length of the railways so opened bears to the entire length of the railways the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

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6. Section thirty-seven of the Act of 1883 is hereby repealed and in lieu thereof the provisions hereinafter contained shall have effect as fully and effectually as if they had been specifically enacted in the Act of 1883 in lieu of the said section thirty-seven. The provisions hereinbefore referred to are as follows (viz.):—

Application
of deposit.

If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been

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subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the person or persons entitled thereto Provided that until the deposit fund has been repaid or retransferred to the person or persons aforesaid or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the person or persons aforesaid.

Restriction
on taking
houses of
labouring
class.

7. The Company shall not under the powers of the Act of 1883 as extended by the Act of 1886 and this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers And the expression "labouring class" shall be held to include mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Saving for
Postmaster-
General. !

8. Nothing in any agreement made under the authority of the Act of 1883 shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and

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works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is worked by the Great Western Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement. A.D. 1891.

9. The Company shall not out of any money which they are by any Act authorised to raise pay or deposit any sum 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 authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

10. Nothing in this Act contained shall exempt the Company or the railway 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 to be taken by the Company. Provision as to general railway Acts.

11. 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. Expenses of Act.

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