



CHAPTER xv.

An Act to authorise the Exeter Railway Company to acquire additional lands to revive and further extend the time for the completion of their authorised railways to raise additional capital and for other purposes.

A.D. 1903.

[30th June 1903.]

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”) were incorporated and authorised to make and maintain certain railways in the county of Devon :

And whereas the periods respectively limited by the Act of 1883 for the compulsory purchase of lands for the purposes thereof and for the completion of the railways have from time to time been revived and extended by the following Acts (namely) :—

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1886 ;

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1891 ;

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1894 ; and

The Exeter Railway Act 1898

which said last-mentioned Act is in this Act referred to as “the Act of 1898” :

And whereas by the Act of 1898 the Company were authorised to make deviations in and to abandon portions of the railways authorised by the Act of 1883 :

And whereas by the Act of 1898 the name of the Company was changed to and now is the Exeter Railway Company :

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And whereas it is expedient that the Company should be authorised to acquire additional lands for the general purposes of their undertaking :

And whereas it is expedient to sanction the construction of portions of the railways of the Company in connection with the crossing of certain public roads at levels varying from the prescribed limits of vertical deviation :

And whereas it is expedient to revive the powers of construction and to further extend the time for the completion of the railways authorised by the Act of 1883 and also to extend the time for the completion of the deviation railways authorised by the Act of 1898 so far as such railways are not at present completed :

And whereas by the Act of 1883 the Company were authorised to raise two hundred and forty thousand pounds by shares and eighty thousand pounds by borrowing :

And whereas by the Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1894 (in this Act called "the Act of 1894") the Company were authorised to raise a further sum of twenty-four thousand pounds by shares and eight thousand pounds by borrowing :

And whereas by the Act of 1898 the share capital of the Company was reduced to the sum of one hundred and ninety-eight thousand pounds and their borrowing powers were limited to the sum of sixty-six thousand pounds :

And whereas the Company have created and issued the whole of their capital and have created the whole of their debenture stock :

And whereas the railway is now nearly completed but there are moneys due from the Company to their contractor on Lloyds' bonds or certificates of indebtedness and otherwise in connection with the construction of the railway and further sums of money are necessary for the completion of the railway and the payment of other expenses which sums together are estimated to amount to one hundred thousand pounds or thereabouts and it is expedient that the Company should be authorised to raise such sum by the creation and issue of debenture stock :

And whereas plans of the lands authorised to be acquired under the powers of this Act and also books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and are hereinafter respectively referred to as "the deposited plans and books of reference" :

And whereas the purposes of this Act cannot be effected without the authority of Parliament: A.D. 1903.

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 :—

1. This Act may be cited as the Exeter Railway Act 1903. Short title.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are incorporated with and form part of this Act. Incorporation of Acts.

3. In this Act—

The expression “railways” means the railways authorised by the Act of 1883;

The expression “the deviations” means the deviation railways authorised by the Act of 1898. Interpretation.

4. Subject to the provisions of this Act the Company may enter upon take use and appropriate for purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively (that is to say) :— Power to acquire additional lands.

(A) Certain lands in the parish of Alphington lying between Little Burden and Polchouse Lane and adjoining and on the north and south sides of the railway of the Company :

(B) Certain lands in the parish of Ide lying between Polehouse Lane and Halscombe Lane on the south-east and south-west side of Ide village on the south-east and south-west of Fordlands Farm and adjoining and on the north and south sides of the railway :

(C) Certain lands in the parish of Ide lying on the north-east and north-west side of Perridge House and adjoining and on the north and south sides of the railway :

(D) Certain lands in the parish of Dunsford lying on the south-west side of Mount Boon Farm and adjoining and on the north and south sides of the railway :

(E) Certain lands in the parish of Doddiscombsleigh lying to the east and south-east of Sowton Barton and adjoining and on the east and west sides of the railway.

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Period for compulsory purchase of lands.

Sanctioning construction of railways according to altered levels.

5. The powers of the Company for the compulsory purchase of lands shall cease after the expiration of three years from the passing of this Act.

6. The construction of the railways and the deviations at certain places outside the limits of vertical deviation prescribed by the Act of 1883 and the Act of 1898 respectively is hereby confirmed and sanctioned and the railways and deviations so constructed shall for all purposes be deemed part of the undertaking of the Company.

Revival and extension of time for completion of railways and extension of time for completion of deviations.

7. The powers of the Company for the completion of so much of the railways and deviations as are not at present completed are hereby as regards the said railways revived and further extended and as regards the said deviations extended for a period of three years from the twentieth day of August one thousand nine hundred and one. If the said railways and deviations be not completed within the extended period by this Act limited for their completion then at 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.

Restriction on taking houses of labouring class.

8.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the respective fifteenth day of December aforesaid but have been or shall be subsequently so occupied.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans

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 such persons who may be residing with them. A.D. 1903.
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9. In addition to any sum or sums which the Company are authorised to raise by debentures or debenture stock under the Act of 1883 and the Act of 1898 the Company may by resolution of a general meeting specially convened for that purpose with the sanction of a majority of three-fourths of the votes of the shareholders present at such meeting (in person or by proxy) raise a sum not exceeding in the whole one hundred thousand pounds and may for that purpose create and issue subject to the provisions of Part III. of the Companies Clauses Act 1863 debenture stock. Power to raise additional capital by creation and issue of debenture stock.

10. The moneys to be raised under the powers of this Act shall be expended and applied for the following purposes and in the following order and for no other (that is to say) :— Application of moneys raised.

- (1) In paying off the Lloyds' bonds granted by the Company existing at the passing of this Act ;
- (2) In paying off all general debts of the Company existing at the passing of this Act ; and
- (3) Any surplus shall be applied in completing the railway or towards carrying into execution the general purposes of the Company to which capital is properly applicable.

11. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. Repeal of former provisions with respect to appointment of a receiver.

12. The mortgagees of the undertaking of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. Appointment of a receiver.

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Deposits for
future Bills
not to be paid
out of capital.

13. 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.

Provision as
to general
Railway
Acts.

14. 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.

Expenses of
Act.

15. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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