



ANNO PRIMO

GEORGIIV. REGIS.



Cap. liv.

An Act for making a Branch Railway or Tramroad, from a Place called *Crabtree*, in the Parish of *Egg Buckland*, to certain Lime Works at a Place called *Catdown*, and from thence to *Sutton Pool*, in the Parish of *Charles*, all in the County of *Devon*, to communicate with the *Plymouth* and *Dartmoor* Railway, at *Crabtree* aforesaid. [8th July 1820.]

WHEREAS an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a Railway or Tramroad from Crabtree, in the Parish of Egg Buckland, in the County of Devon, to communicate with the Prison of War, on the Forest of Dartmoor, in the Parish of Lydford, in the said County*; and by the said Act several Persons are united and made one Body Politic and Corporate, by the Name and Style of "*The Plymouth and Dartmoor Railway Company*," for making such Railway, and the several other Works necessary for carrying the said Act into Execution: And whereas by Levels and Surveys lately taken, it appears that a Branch Railway or Tramroad may be made, as herein-after described, to join and communicate with the said *Plymouth* and *Dartmoor* Railway, at a Place called *Crabtree*, in the Parish of *Egg Buckland*, and to be carried to certain Lime Works at a Place called *Catdown*, and also to *Sutton Pool*, in the Parish of *Charles*, all in the County of *Devon*, which would be of great Benefit and Advantage to the Trade and Commerce of the Town of *Plymouth* and the Neighbourhood thereof, as well as of considerable public Utility, by bringing a large District

[Local.]

Power to
make the
Branch Rail-
way.

of Waste Land into Cultivation; but as the same 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 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, That it shall be lawful for the said *Plymouth and Dartmoor Railway Company*, and they are hereby authorized and empowered, by virtue of the said recited Act and this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Branch Railway or Tramroad, from the said Place called *Crabtree*, in the Parish of *Egg Buckland*, passing in a Line with the new Turnpike Road leading to the Borough of *Plymouth*, to the *Prince* and other Limeworks at a Place called *Catdown*, in the Parish of *Charles*, in the County of *Devon*, and also to *Sutton Pool*, in the said Parish of *Charles*, to communicate with the said *Plymouth and Dartmoor Railway*, at *Crabtree* aforesaid; and also to make, erect, execute, do and perform all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining the said Branch Railway or Tramroad, according to the true Intent and Meaning of this Act; and that the said recited Act, and the several Powers, Authorities, Directions, Restrictions, Provisions, Rates, and Duties, and other Matters and Things therein contained, shall be used and exercised by the said Company of Proprietors, their Deputies, Agents, Workmen, and Servants, and shall be applied, enforced, and put in Execution, for making, completing, preserving, and maintaining the said Branch Railway or Tramroad, and also for making, erecting, doing and performing all such other Works, Matters and Things, as they shall think necessary or expedient for the Benefit of such Railway or Tramroad, and for defraying the Expences thereof; and shall and may also be used and exercised by the Owners and Proprietors of Lands lying near or adjoining to the said Branch Railway or Tramroad, in such and the like Manner, and as fully and effectually to all Intents and Purposes, as if the several Powers, Authorities, Restrictions, Provisions, Rates of Tonnage and Wharfage, and other Matters and Things contained in the said recited Act were repeated and re-enacted in the Body of this present Act, and as if the Branch Railway or Tramroad, and other Works by this Act authorized to be made, completed, and maintained, had been described in the said Act as Part of the Works to be made and done by virtue of the said Act.

Allowing a
Reduction of
Rates in cer-
tain Cases.

II. Provided always, and be it enacted, That the like Reduction of the Rates of Wharfage allowed by the said recited Act, for or in respect of certain Articles carried or conveyed upon the said *Plymouth and Dartmoor Railway*, shall be allowed for or in respect of the like Kind of Articles which shall be carried or conveyed upon the said Branch Railway or Tramroad herein-before described.

Plan and
Book of Re-
ference, de-
posited with
Clerk of the
Peace, to re-
main there.

III. And whereas a Map or Plan of the said Branch Railway or Tramroad, and the Lands through which the same is to be carried, together with a Book of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which

which such Branch Railway or Tramroad is to be made, have been deposited at the Office of the Clerk of the Peace for the County of *Devon*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the End that all Persons may, at any seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference.

IV. And be it further enacted, That the said Company of Proprietors of the *Plymouth and Dartmoor* Railway, in making the said Branch Railway or Tramroad, by this Act authorized to be made, shall not deviate more than One hundred Yards from the Course or Direction specified in the said Map or Plan; and it shall be lawful for the said Company of Proprietors to cause the said Branch Railway or Tramroad to be made and carried into, through, across or over the Estates, Lands, or Grounds of the Person or Persons lying within the Line thereof; (although their Names be not mentioned in the said Book of Reference), or into the Estate or Estates, Lands or Grounds, of any Person or Persons whose Name or Names appear to the Satisfaction of any Two or more of the Justices of the Peace of the County where the Land shall be situate, and be by them certified, under their Hands, to have been by Mistake omitted in the said Book of Reference, or that instead thereof, the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake inserted therein; any thing in this Act contained to the contrary thereof notwithstanding.

Line not to be deviated more than 100 Yards.

Land Owners omitted in the Book of Reference not to obstruct the making of the Railway.

V. Provided always, and be it enacted, That nothing in this or the said recited Act contained shall enable the said Company of Proprietors to enter upon, or carry the said Railway Road over any Part of the Beach or Landing Place of the Flying Bridge, in the Parish of *Charles* aforesaid; or to obstruct or inconvenience the Passage therefrom into the Embankment Road leading to *Plymouth*; or to lessen the Facility or obstruct the Access, by Water, of Barges and Boats, to the Beach, Quay, and Lime Kilns at *Crabtree* aforesaid; or to obstruct or inconvenience the putting in or removing from the said Beach or Quay, all such Limestone, Culm, and other Articles, which from Time to Time may be deposited thereon; or to shut up, obstruct, or inconvenience the present Road leading from *Saltram*, across the River *Plym*, to the *Plymouth* Turnpike Road at or near *Crabtree* aforesaid.

Restraining the Company from carrying the Railway into or over certain Places, &c.

VI. And whereas the Company of Proprietors of the said *Plymouth and Dartmoor* Railway were, by the said recited Act, empowered to raise amongst themselves the Sum of Twenty-seven thousand seven hundred and eighty-three Pounds, for the Purpose of completing the said Railway or Tramroad; and the Expence of making the intended Branch Railway or Tramroad has been estimated at Seven thousand two hundred Pounds (which is also proposed to be raised by Subscriptions

Empowering the Company to raise an immediate Sum of Money to forward their Works.

tions

57 G. 3. c. 34.

tions under the Powers of the said recited Act, amounting together to the Sum of Thirty-four thousand nine hundred and eighty-three Pounds): And whereas it is of the utmost Importance, and would be of essential Advantage to the Town of *Plymouth* and the Neighbourhood adjoining the said Railway and Branch, as well as of great public Utility, if the same were to be completed with the utmost Dispatch, which would tend very materially to reduce the Price of Provisions, and thereby facilitate the benevolent Intentions now in Contemplation among many Persons of high Rank and Consideration, in affording Support to great Numbers of Orphan and Pauper Children, and of finding Employment for the industrious Poor in the Neighbourhood of the said Railway, for Want of which themselves and Families are in the greatest Distress, and the Parishes where they reside subjected to the most grievous Burthens; yet such beneficial Purposes cannot be accomplished under the Powers of the said recited Act, inasmuch as the Subscriptions are to be paid by Instalments at stated Times, which must evidently delay the Completion of the Works to a distant Period: And whereas an Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*: And whereas another Act was passed in the Fifty-seventh Year of the Reign of His said late Majesty, for amending and enlarging the Powers of the said Act: And whereas, in consequence of the said Two last recited Acts, the said Company of Proprietors have applied for an Advance of Money, for the Purpose of making and completing the said Railway and Branch with the utmost Dispatch; but the Commissioners thereby appointed cannot direct an Issue of Exchequer Bills, by Reason that the said Company of Proprietors are unable to give Security to the Extent required by the said last recited Acts: And whereas it is highly expedient that the said Commissioners should be authorized and empowered to make such Advance, and the said Company of Proprietors to contract for the same in the Manner and upon the Terms herein-after mentioned; be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors of the said Railway and Branch, or any Five or more of them, present at any General or Special Meeting of the Committee of Management, to be holden by them for the aforesaid Purposes, to borrow and take up at Interest, upon the Credit of the Tolls, Rates, and Duties granted by the said first recited Act and this Act, any Sum or Sums of Money not exceeding Thirty-four thousand nine hundred and eighty-three Pounds, being the Amount of the Sums at which it is estimated the said Railway and Branch may be made and effected; and that it shall and may be lawful for the said Commissioners for the Issue of Exchequer Bills, and they are hereby authorized and empowered to advance, upon the Security of the said Tolls, Rates, and Duties, any Sum not exceeding the Sum of Eighteen thousand Pounds, being Part of the Sum hereby authorized to be borrowed, any thing in the said first recited Act or this Act, or either of them, to the contrary notwithstanding: And the said Company of Proprietors, or any Five or more of them, assembled as aforesaid, are hereby

hereby authorized and empowered, by any Deed or Instrument under the Hands of any Five or more of them present at any such Meeting as aforesaid, and in such Manner and Form as the said Commissioners shall direct and appoint, to bargain, sell, and assign the Tolls, Rates, and Duties by the said first recited Act and this Act authorized to be raised, as a Security for Repayment of any Sum or Sums of Money to be borrowed from the said Commissioners as aforesaid, after Payment of the Expences of maintaining the said Railway and Branch, and collecting the said Rates, Tolls, and Duties; and also, after Payment of Interest at the Rate of Five Pounds *per Centum per Annum*, on such Part of the Principal Sum to be borrowed from the said Commissioners, for the Purposes aforesaid, as shall from Time to Time remain due; and also, after Payment of Interest at the Rate of Five Pounds *per Centum*, on such other Sums of Money as shall be borrowed under the Provisions and Authority of the said first recited Act and this Act.

VII. And be it further enacted, That the several Persons who have already subscribed, and who shall hereafter subscribe, to advance any Money for or towards making the said Branch, Railway, or Tramroad, shall and they are hereby required to pay the Sum or Sums by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the Committee of the said Company of Proprietors, under and by virtue of the Powers of the said first recited Act, at such Times and Places as shall be directed by the said Company, or the said Committee; and in case any Person or Persons shall refuse or neglect to pay the same, at the Time and in Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Compelling
Payment of
Subscrip-
tions.

VIII. And whereas the probable Expence of making the said Branch, Railway, or Tramroad, hereby authorized to be made, will amount to the Sum of Seven thousand two hundred Pounds, and the Sum of Five thousand eight hundred Pounds, being more than Four-fifth Parts thereof, has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators and Assigns, for the Sums by them respectively subscribed; be it therefore enacted, That the Whole of the said Sum of Seven thousand two hundred Pounds shall be subscribed in like Manner, before any of the Powers given by this Act shall be put in force.

Whole of Ex-
pence to be
subscribed
before the
Work is com-
menced.

IX. Provided always, and be it further enacted, That in case the said intended Branch, Railway, or Tramroad shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years from the passing of this Act, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges of the said recited Act and this Act, for making such Branch, Railway, or Tramroad, shall cease and determine, save only and except as to so much (if any) of the said intended Branch, Railway, or Tramroad, as shall have been declared and certified to have been completed within the said Term, by the Justices of the

If Branch not
completed
within a cer-
tain Time,
Powers of
this Act to
cease, &c.

Peace of the said County of *Devon*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of one or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Public Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1820.