



ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cv.

An Act to enable the *Launceston and South Devon* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes. [29th June 1863.]

WHEREAS by "The *Launceston and South Devon* Railway Act, 1862," (in this Act called "the Act of 1862,") the *Launceston and South Devon* Railway Company (therein and herein-after called "the Company") were empowered to construct a Railway to commence by a Junction with the *South Devon and Tavistock* Railway in the Parish of *Tavistock* in the County of *Devon*, and to terminate in the Parish of *Saint Stephens* by *Launceston* in the County of *Cornwall*: And whereas by Section Forty-eight of that Act it was enacted, that the Company should not before *Michaelmas Day* One thousand eight hundred and sixty-four, without the previous Consent in Writing of *John Tremayne* Esquire, take, use, or enter upon any of his Lands in the Parish of *Maristowe*, or give any Notice of their Intention so to do, and that the Company should use their utmost reasonable Endeavours to obtain in the then next Session of Parliament an Act for authorizing them to make a Deviation of the Line of the Railway where it would pass through his Estate, so as to carry the Line to the Northward instead of to the Southward of his Mansion called "*Sydenham*," and for authorizing and requiring them to abandon the making of so

25 & 26 Vict.
c. cxi.

[*Local.*] 16 P much

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much of the Line of the Railway shown on the Plans deposited for the Purposes of the said Act as would be rendered needless by the making of the Deviation; and that if an Act for the Purpose should not be obtained before *Michaelmas Day* One thousand eight hundred and sixty-three Mr. *Tremayne*, or other the Owner of his Estate, might, at the Expense in all things of the Company, apply for and endeavour to obtain in the then next Session of Parliament an Act for the Purpose: And whereas it is expedient that the Company be empowered to make a Deviation of the authorized Line of their Railway in conformity with the Conditions of the recited Provision of the Act of 1862: And whereas Plans and Sections of the proposed Deviation, with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, which under this Act may be taken for the Purposes of the same, have been deposited with the Clerk of the Peace for the County of *Devon*: And whereas the Objects 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; (that is to say,)

Short Title. 1. This Act may be cited for all Purposes as "*The Launceston and South Devon Railway Act, 1863.*"

8 & 9 Vict. cc. 18. and 20. and 23 & 24 Vict. c. 106. incorporated. 2. "*The Lands Clauses Consolidation Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" and "*The Railways Clauses Consolidation Act, 1845,*" so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act. 3. Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings unless excluded by the Subject or Context.

Power to take Lands. 4. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Book of Reference.

Power to make Deviation authorized by this Act. 5. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time make and maintain in the Line and in accordance with the Levels shown upon the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, a Deviation in the Line of Railway as now authorized, commencing in the Parish of *Marystow* in the County of *Devon* at or near the Property numbered on the deposited Plans referred to in the Act of 1862 18 in the same Parish, and terminating by a Junction with the said authorized Line in the Parish of *Lifton* in the same County at or near the Property numbered on

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on the said deposited Plans 5 in the last-named Parish; and the said Deviation Line of Railway and the Works connected therewith shall, with respect to Tolls and Charges and for all other Purposes, be Part of the Undertaking of the Company as if the same had been authorized by the Act of 1862: Provided always, that it shall not be lawful for the Company in the Construction thereof to deviate from the centre Line thereof, as shown on the deposited Plans of the proposed Deviation, to the Southward between the Points marked respectively on such Plans Three Furlongs and Seven Furlongs without the Consent in Writing of *John Tremayne* Esquire, or other the Owner for the Time being of his Estate in the said Parish of *Marystow*.

6. As regards the Roads next herein-after mentioned the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (that is to say,)

Regulating Inclinations of certain Roads.

No. of Road on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
8 a	Marystow - -	Parish Road - -	1 in 10 on One Side and level on the other.
23	Same - -	Parish Road - -	1 in 12 on One Side and level on the other.

7. The Company may make the Roadway over the Bridges by which the following Roads will be carried over the Railway of such Width between the Fences thereof as the Company think fit, not being less than the respective Widths herein-after specified; (that is to say,)

Width of Roadway over Bridges.

No. on Plan.	Parish.	Description of Road.	Width between Fences.
8 a	Marystow - -	Parish Road - -	15 Feet.
23	Same - -	Same - -	15 Feet.

8. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company, in the Construction of the Railway, may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, or they may substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon; provided that every such Alteration or Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to

Power to alter Engineering Works.

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to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Powers for compulsory Purchases limited.

9. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Thirtieth Day of *June* One thousand eight hundred and sixty-five.

Period for Completion of Railway.

10. The Railway authorized by this Act shall be completed on or before the Thirtieth Day of *June* One thousand eight hundred and sixty-seven, and on that Day the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Repealing Powers for Construction of Part of authorized Line of Railway.

11. On the passing of this Act all the Powers granted to the Company by the Act of 1862 for the Construction of so much of the Line of Railway authorized by that Act as lies between the Commencement and the Termination of the Deviation in the Line of Railway by this Act authorized shall absolutely cease and determine.

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

12. The Company shall not, out of the Monies by any Act authorized to be raised by the Company, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time 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 make any other Railway, or execute any other Work or Undertaking.

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

13. Nothing in this Act contained shall exempt the Railway from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels in respect of the Railway by this Act authorized.

Expenses of Act.

14. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.