



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxlvii.*

An Act to enable the *Devon and Somerset* Railway Company to make a Deviation from their authorized Railway ; to make a Junction Railway ; to abandon a Portion of their authorized Railway ; and for other Purposes. [15th *July* 1867.]

**W**HEREAS by "The *Devon and Somerset* Railway Act, 1864," the *Devon and Somerset* Railway Company (in this Act called "the Company") were incorporated, and authorized to make and maintain a Railway in that Act specified as Railway (No. 1.), commencing by a Junction with the *Bristol and Exeter* Railway at or near to the Point of Junction of the *West Somerset* Railway with the *Bristol and Exeter* Railway, and terminating in the Parish of *Barnstaple*: And whereas it is expedient that the Company should be authorized to deviate a certain Portion of the said Railway (No. 1.), and to make a Junction Railway, and to acquire additional Lands: And whereas a Portion of the Railway authorized to be made by the said Act of 1864 will be rendered unnecessary in consequence of the Construction of such new Lines of Railway, and it is expedient that the Construction of a Portion of the said authorized Line of Railway (No. 1.) be abandoned: And whereas Plans and

[*Local.*] 26 C Sections

27 & 28 Vict.  
c. cccvii.

*The Devon and Somerset Railway (Deviation) Act, 1867.*

Sections showing the Lines and Levels of the proposed Deviation and Junction Railways and Works, and the Lands which the Company are empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerks of the Peace for the Counties of *Devon* and *Somerset* respectively, and those Plans, Sections, and Book of Reference are in this Act referred to as "the deposited Plans, Sections, and Book of Reference:" And whereas the Objects and 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 for all Purposes as "*The Devon and Somerset Railway (Deviation) Act, 1867.*"

8 & 9 Vict. cc. 18. & 20.,  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. c. 92. incor-  
porated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) and Part III. (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. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the *Devon and Somerset Railway Company*, the Expression "the Act of 1864" shall mean "*The Devon and Somerset Railway Act, 1864.*" the Expression "the Plans of 1864" shall mean the Plans referred to in the Act of 1864, the Expression "the Railway" and "the Undertaking" respectively shall mean the Railway and the Undertaking by the Act of 1864 and by this Act, or either of them, authorized, and the Expression "Superior Courts" or "Court 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 Simple Contract Debt, and not a Debt or Demand created by Statute.

4. Subject

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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 Lines of 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 Book of Reference, as may be required for that Purpose. The Lines of Railway herein-before referred to and authorized by this Act are,—

Power to make Railways according to deposited Plans.

A Deviation Railway 13 Miles 1 Furlong 6·78 Chains in Length, commencing from and out of the authorized Line of Railway (No. 1.) of "The Devon and Somerset Railway Act, 1864," in the Parish of *Wiveliscombe* in the County of *Somerset*, and terminating in the Parish of *Brushford* in the same County by a Junction with the said authorized Railway (No. 1.):

A Junction Railway 3 Furlongs 7·55 Chains in Length, commencing from and out of the proposed Railway above referred to as the Deviation Railway in the Parish of *Morebath* in the County of *Devon*, and terminating in the same Parish of *Morebath* in the County of *Devon* by a Junction with the Line of the *Tiverton and North Devon* Railway authorized under that Title in Session 1865.

5. The said Railways shall be made and maintained with Rails of the Broad Gauge.

Gauge of Railway.

6. The Company may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Act or Acts relating to the Company, and which are not required for the Purposes for which the same were authorized to be raised.

Power to apply Corporate Funds to Purposes of this Act.

7. 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.

8. The Railways by this Act authorized shall be completed within Three 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 Railways, 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 Railway.

9. In altering for the Purposes of this Act the Roads next herein-after mentioned the Company may make the same of any Inclinations

Inclination of certain Roads.

not

*The Devon and Somerset Railway (Deviation) Act, 1867.*

not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
18	Milverton	Public	1 in 10.
43	Chipstable	Turnpike	1 in 22.
29	Clayhanger	Public	1 in 12.
72	Bampton	Public	1 in 15.
13	Morebath	Public	1 in 15.
52	Morebath	Public	1 in 17.
14	Brushford	Turnpike	1 in 25 on lower Side, and 1 in 30 on upper Side.
22	Brushford	Public	1 in 12 on lower Side, and 1 in 20 on upper Side.
50	Brushford	Public	1 in 14.

Height and Span of Bridges.

10. The Company may make the Arches of the Bridges for carrying the Railways over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
6	Wiveliscombe	Turnpike	16 Feet	30 Feet.
72	Wiveliscombe	Turnpike	16 Feet	20 Feet.
15	Milverton	Public	20 Feet	20 Feet.
18	Milverton	Public	16 Feet	20 Feet.
6	Chipstable	Public	16 Feet	20 Feet.
13	Morebath	Public	16 Feet	20 Feet.
20	Morebath	Public	16 Feet	20 Feet.
99	Morebath	Turnpike	20 Feet	25 Feet.
50	Brushford	Public	16 Feet	20 Feet.

Company to abandon a Portion of their authorized Line.

11. The Company shall abandon the Construction of so much of the Railway authorized by the Act of 1864 as lies between the Commencement of the Deviation Railway (herein-before described) in the Parish of *Wiveliscombe* in the County of *Somerset* and the Termination thereof in the Parish of *Brushford* in the said County.

Compensation for Damage to Land by Entry, &c.

12. The Abandonment by the Company under the Authority of this Act of any Portion of any Railway or Works 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

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“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 may 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 1864.

for Purposes  
of Railway  
abandoned.

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

Compensa-  
tion to be  
made in  
respect of  
Portions of  
Railway  
abandoned.

**14.** The Provision of Section Twenty-eight of the Act of 1864, with respect to the Deposit and Bond for securing the Completion of the Railway by that Act authorized, shall be read and have Effect as if the Railways by this Act authorized had originally been Part of the Railway by the Act of 1864 authorized, and as if the Portion of Railway by this Act required to be abandoned had not originally been Part of the Railway by that Act authorized.

Provision  
for securing  
Completion  
of Railways.

**15.** The Railway and Works by this Act authorized shall for all Purposes of Tolls, Rates, and Charges, and for all other Purposes whatsoever, except as to the Time limited for the compulsory Purchase of Lands and for constructing the Works, be Part of the Undertaking of the Company as if authorized by “The *Devon and Somerset Railway Act, 1864.*”

New Lines  
of Railway  
to be Part of  
Company's  
Under-  
taking.

**16.** The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any

Interest not  
to be paid on  
Calls paid  
up.

[Local.]

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Shareholder

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Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made, as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

17. 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 require 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.

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

18. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present 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, authorized by the Acts relating to the Company.

Expenses of Act.

19. 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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