



**CHAP. liii.**

An Act for extending the time for the compulsory purchase of lands for, and for the completion of the authorized Railway of the London and South-western Railway Company from Bideford to Great Torrington. A.D. 1869.  
[24th June 1869.]

**W**HEREAS by "The South-western (North Devon) Railway Act, 1865" (in this Act called "the Act of 1865"), the London and South-western Railway Company (in this Act called "the company") were authorized to make and maintain a railway commencing in the parish of Bideford, in the county of Devon, by a junction with the Bideford Extension Railway of the company, and terminating in the parish of Great Torrington, in the county of Devon: 28. & 29 Vict.  
c. civ.

And whereas the Act of 1865 limited the periods for the compulsory purchase of lands and houses to three years, and for the completion of the railway and works thereby authorized to five years, from the passing of the Act:

And whereas by "The South-western Railway (General) Act, 1867" (in this Act called "the Act of 1867") alterations were authorized of the line and levels of part of the railway authorized by the Act of 1865, and the period for the compulsory purchase of lands for the purposes of that Act was extended to the twenty-fifth day of July one thousand eight hundred and sixty-nine, and the period for completion of the railway was extended to the thirtieth day of June one thousand eight hundred and seventy: 30 & 31 Vict.  
c. clvi.

And whereas it is expedient that those periods be respectively further extended, but that object 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,)

[Ch. liii.] *The South-western Railway (North Devon [32 & 33 VICT.] Extension of Time) Act, 1869.*

A.D. 1869.

Short title.

1. This Act may be cited for all purposes as "The South-western Railway (North Devon Extension of Time) Act, 1869."

Part II. of 26 & 27 Vict. c. 92. incorporated.

2. Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," is (except where expressly varied by this Act) incorporated with and forms part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Act partially incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Extending period for compulsory purchases.

4. The powers of the company for the compulsory purchase of lands and houses for the purposes of the railway and works authorized by the Act of 1865 (as authorized by the Act of 1867 to be altered) may be exercised before or on the twenty-fifth day of July one thousand eight hundred and seventy, but shall not be exercised after that day.

Extending period for completion of works.

5. The powers of the company for the construction of the railway authorized by the Act of 1865 (as authorized by the Act of 1867 to be altered) may be exercised before or on the twenty-fifth day of July one thousand eight hundred and seventy-one, but shall not be exercised after that day, and that period shall for all purposes be deemed the period limited by the Acts of 1865 and 1867 respectively for the completion of the railway and the works connected therewith.

Time limited for completion of line.

6. If the railway shall not be completed within the period limited by this Act, then on the expiration of such period the powers by the Acts of 1865 and 1867 and by this Act granted to the company for making and completing the said railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Part of Sect. 11 of the Act of 1867 repealed.

7. Section 11 of the Act of 1867, so far as it relates to the railway authorized by the Act of 1865, is by this Act repealed.

Penalty for non-completion of works within period limited.

8. After the expiration of the period by this Act limited for the completion of the railway, if it be not then completed, the company shall be liable to a penalty of fifty pounds a day, to be recoverable as a debt due to the Crown, for every day after the period so limited until the railway is completed and opened for public traffic; but no penalty shall accrue in respect of any time during which it appears, by a certificate to be obtained from the Board of Trade, that the company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control; provided

that the want of sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1869.

9. Subject and without prejudice to the provisions of an agreement dated the eighth day of March one thousand eight hundred and sixty-five, and made between Robert Ellett, as the agent of James Peard Ley, esquire, of the one part, and Henry Drew, as the agent of the company, of the other part; and to the covenant of the company contained in a conveyance dated the ninth day of January one thousand eight hundred and sixty-eight, and made between the said James Peard Ley of the first part, Julia Colston of the second part, the said James Peard Ley and James Verchild Ley of the third part, the said James Verchild Ley of the fourth part, Elizabeth Northcote Ley of the fifth part, and the company of the sixth part, so far as such provisions are as yet unperformed and are not hereby modified as to the time of the performance thereof, the company shall be allowed until the first day of September one thousand eight hundred and seventy for executing and completing the accommodation works provided for by the said agreement and covenant, but shall and will execute and complete the same by that day. Provision as to execution of certain accommodation works.

10. Nothing herein contained shall be deemed or construed to exempt the railway or the company 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 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 recited Act. Railway, &c. not exempt from provisions of present and future general Acts.

11. All 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.

