



CHAPTER ccxix.

An Act for conferring further powers on the Teign Valley Railway Company for the construction of works, and otherwise in relation to their Undertaking; and for other purposes. A.D. 1878.
[8th August 1878.]

WHEREAS it is expedient that the Teign Valley Railway Company (in this Act called the Company) be empowered to make and maintain the works by this Act authorised, and to acquire for the purposes thereof, and for the general purposes of their undertaking, the lands in this Act mentioned:

And whereas by the Teign Valley Railway Act, 1872, (in this Act called the Act of 1872,) the Company were authorised to make and maintain the railways therein described and referred to as Railway Number 1 (in this Act called the original line) and Railways Numbers 2 and 3 respectively (in this Act called the mineral branches), and the period limited by the Act of 1872 for the completion of the original line was one year and six months, and for the completion of the mineral branches three years, from the passing of that Act: 35 & 36 Vict.
c. cxiv.

And whereas by the Teign Valley Railway Act, 1874, (in this Act called the Act of 1874,) the periods limited by the Act of 1872 for the completion of the original line and mineral branches were extended until the 9th day of August 1877: 37 & 38 Vict.
c. lvi.

And whereas the Company have acquired the whole of the land required for and constructed the greater part of the original line, and have acquired or contracted for the whole of the land required for the mineral branches, and it is expedient that the powers of the Company for the construction of the original line and mineral branches should be revived, and the period for the completion thereof extended as by this Act provided:

And whereas by the Teign Valley Railway (Extension) Act, 1875, (in this Act called the Act of 1875,) the Company were authorised to make and maintain the railway therein described (in this Act called the Crediton Line) by way of extension of their railway to the North Devon Railway at Crediton, and the period 38 & 39 Vict.
c. clxxxiii.

A.D. 1878. limited by the Act of 1875 for the completion of the Crediton Line was five years from the passing of that Act, and it is expedient that such period be extended as by this Act provided :

And whereas it is expedient that other provisions be made with respect to the Company and their undertaking :

And whereas plans and sections of the works by this Act authorised, showing the lines and levels thereof, and plans of the lands to be taken under the powers of this Act, together with books of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the county of Devon, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the objects of this Act cannot be attained 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 *Teign Valley Railway Act, 1878.*

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act ; (that is to say,)

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 13.
8 & 9 Vict. c. 20.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 ;

The Railways Clauses Consolidation Act, 1845 ;

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863.

26 & 27 Vict. c. 92.

Interpretation of terms.

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

The expressions "the railway" or "the railways" and "the undertaking" mean respectively the undertaking by this Act authorised ;

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 to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections thereof, the works herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated upon the deposited plans and described in the deposited books of reference relating thereto as may be required for the purpose. The works herein-before referred to and authorised by this Act are,—

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Power to make rail-ways according to deposited plans.

(a.) An alteration of the line and levels of the original line from its commencement to a point marked and measured on the plans of that railway (deposited with the clerk of the peace for the county of Devon for and referred to in the Act of 1872) two miles five furlongs and four chains, which alteration will commence in the parish of Bovèy Tracey and terminate in the parish of Chudleigh :

(b.) The carrying of the original line across and on the level of the road numbered 5 in the parish of Ashton on the plans of that railway deposited with the clerk of the peace for the county of Devon for and referred to in the Act of 1872 :

And the works shall, with respect to tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company, and the Company may demand and take in respect of the works a like amount of tolls, fares, rates, and charges as by the Act of 1872 the Company are authorised to demand and take with respect to their other railways.

5. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned ; (that is to say,)

Power to cross certain road on the level.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.

No. on deposited Plans.	Parish.	Description of Road.
1	Ashton - - -	Public road.

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Width of
certain
roadways.

6. 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 mentioned in connexion therewith respectively; (that is to say,)

No on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
ALTERATION OF LINE AND LEVELS.			
3	Hennock - -	Turnpike road -	15 feet.
4	Hennock - -	Turnpike road -	25 feet.

As to
execution
of works in
the parish of
Ashton.

7. The Company shall make and execute the following works in the parish of Ashton; that is to say,

- (a.) They shall raise the road numbered on the deposited plans 1 in the parish of Ashton to the extent shown on the plan and section marked A, and shall between the points A B carry the same in the manner and with the flood openings shown on the plan and section marked B, and maintain the same accordingly, which plans and sections have been signed by the Right Honourable the Earl of Redesdale, the Chairman of Committees of the House of Lords, and deposited in the office of the Clerk of the Parliaments:
- (b.) They shall put into a thorough state of repair the two bridges which carry the said road over the streams in the village of Ashton as shown on the said plan and section marked A:
- (c.) If they can by agreement with the owners thereof, and upon terms to be agreed upon, or failing agreement to be settled by arbitration, acquire the waste strips of land situate on the west side of the said road between the village of Ashton and Lower Ashton, and also the land requisite for lowering the said road as herein-after mentioned, they shall acquire such land accordingly, and shall throw the said strip of waste land into the said road and remove the turf therefrom and properly metal the same, and they shall also lower the said road at the points and to the extent shown by red colour on the said section marked A:

All the works to be executed by the Company under this section shall be done under the superintendence and to the reasonable satis-

faction of the surveyor to the Wonford District Highway Board, and shall be completed before the original line is opened for public traffic, and if any question or difference shall arise between the said surveyor and the engineer to the Company with reference to such works the same shall be referred to and determined by an engineer to be appointed on the application of either party by the Board of Trade.

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8. Subject to the provisions of this Act, the Company, in addition to the other lands which they are by this Act authorised to acquire, may from time to time enter upon, take, use, and appropriate for the purposes of their undertaking all or any of the lands following delineated on the deposited plans thereof, and described in the deposited books of reference relating thereto; (that is to say,)

Company may acquire additional lands for general purposes.

A strip of land situate in the parish of Bovey Tracey adjoining and on the eastern side of the boundary fence of the Moretonhampstead and South Devon Railway, and numbered on the deposited plans 2, 4, and 5 in the said parish.

9. 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 three years from the passing of this Act.

Powers for compulsory purchase limited.

10. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

11. If the railway is not completed within one year from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

12. The powers conferred upon the Company by the Act of 1872 and the Act of 1874 respectively with respect to the making of the original line and mineral branches are by this Act revived, and the respective periods limited by those Acts for the completion of the original line and mineral branches are by this Act extended until the tenth day of December one thousand eight hundred and seventy-

Extension of time for completion of works authorised by Acts of 1872 and 1874.

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eight; on the expiration of that period the powers by the Act of 1872 and the Act of 1874 and this Act respectively granted to the Company for making and completing the original line and mineral branches, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed, and section 28 of the Act of 1872 shall be read and have effect as if the period by this Act limited for the completion of the said line and branches had been the period by that Act limited.

Extension of time for completion of works authorised by Act of 1875.

13. The period limited by the Act of 1875 for the completion of the Crediton Line is by this Act extended, and that railway may and shall be completed within three years from the second day of August one thousand eight hundred and eighty, and on the expiration of that period the powers by the Act of 1875 and this Act granted to the Company for executing that railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed, and section 29 of the Act of 1875 shall be read and have effect as if the period by this Act limited for the completion of that railway had been the period by that Act limited.

Application of moneys.

14. The Company may apply to the purposes of this Act any of the moneys which they now have in their hands or which they have power to raise under any of the Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest or dividend not to be paid out of capital.

15. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay to any shareholder interest or dividend on the amount of calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

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

16. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, 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.

Company not exempt from provisions of present and

17. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways, or to the better or more impartial audit of

[41 & 42 VICT.] *Teign Valley Railway Act*, 1878. [Ch. ccxix.]

the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, nor 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, authorised by this or any other Act relating to the Company.

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future
general
Railway
Acts.

18. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, or preparatory or incidental thereto, shall be paid by the Company.

Expenses of
Act.

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