



CHAPTER ccxix.

An Act to authorise the Exeter Teign Valley and Chagford Railway Company to construct Deviation Railways to revive the powers and further extend the time limited for the completion of their authorised railway and for other purposes. [12th August 1898.] A.D. 1898.

WHEREAS by the Exeter Teign Valley and Chagford Railway Act 1883 (in this Act called "the Act of 1883") the Exeter Teign Valley and Chagford Railway Company (in this Act called "the Company") was incorporated and authorised to make and maintain certain railways in the county of Devon (in this Act referred to as "the railway"):

And whereas the periods respectively limited by the Act of 1883 for the compulsory purchase of lands for the purposes thereof and for the completion of the railway have from time to time been revived and extended by the following Acts (namely):—

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1886;

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1891; and

The Exeter Teign Valley and Chagford Railway (Extension of Time) Act 1894;

which said Acts are in this Act respectively referred to as the Act of 1886 the Act of 1891 and the Act of 1894:

And whereas it is expedient that the Company should be authorised to make and maintain the deviation or substituted railways in this Act described and to abandon the portions of the railway authorised by the Act of 1883 which will be rendered unnecessary by the construction of the said deviation railways:

And whereas the Company have proceeded to exercise the powers of the said Acts and have acquired or are in treaty for all the lands necessary for the purposes of and have completed to formation

A.D. 1898. level five miles out of a total mileage of eight miles and five furlongs of the railway :

And whereas it is expedient that the portions of the railway authorised by the Act of 1883 and therein respectively described as Railway No. 4 and Railway No. 5 (being the Chagford branch of the Company's undertaking) should be abandoned and that the money deposited with the High Court in respect thereof should be released and applied as by this Act provided :

And whereas it is expedient that the name of the Company should be changed :

And whereas the total authorised capital of the Company consists of two hundred and sixty-four thousand pounds in twenty-six thousand four hundred shares of ten pounds each with borrowing powers in respect thereof to the extent of eighty-eight thousand pounds and it is expedient that such capital and borrowing powers should be reduced :

And whereas the period limited for the exercise of the powers granted by the Act of 1883 as extended by the Act of 1886 the Act of 1891 and the Act of 1894 respectively for the completion of the railway expired on the twentieth day of August one thousand eight hundred and ninety-seven and it is expedient that such powers should be revived and that the period for their exercise should except so far as the railway is already completed or is authorised to be abandoned under the powers of this Act be extended as by this Act provided :

And whereas plans and sections showing the line and levels of the deviation railways authorised by this Act and also books of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the 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 as the Exeter Railway Act 1898.

Incorporation of Acts.

2. The Lands Clauses Acts 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 and Part IV. (relating to change of name) of the Companies Clauses Act 1863 are incorporated with and form part of this Act. A.D. 1898.

3. 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 deviation railways herein-after described with all proper stations sidings junctions roads approaches works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes The deviation railways herein-before referred to and authorised by this Act are— Power to make deviation railways.

Deviation Railway (No. 1) one mile three furlongs or thereabouts in length commencing in the parish of Ide by a junction with Railway No. 1 authorised by the Act of 1883 at or about a point denoting two miles four furlongs seven chains from the commencement of the said railway as shown on the plans of that railway deposited for and referred to in the Act of 1883 and terminating in the parish of Kenn by a junction with the said authorised Railway No. 1 at or about a point thereon denoting four miles on the said deposited plans from the commencement of the said railway :

Deviation Railway (No. 2) five furlongs and one chain or thereabouts in length commencing in the parish of Dunsford by a junction with the said authorised Railway No. 1 at or about a point thereon denoting four miles six furlongs and six chains from the commencement of that railway as shown on the said deposited plans for the Act of 1883 and terminating in the parish of Dunsford by a junction with the said Railway No. 1 at or about a point thereon denoting five miles three furlongs and two chains on the said deposited plans from the commencement of the said railway.

4. The deviation railways shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the undertaking of the Company. Deviation railways to form part of Company's undertaking.

5. The powers of the Company for the compulsory purchase of lands for the purposes of the deviation railways and works connected therewith shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

6. If the deviation railways are not completed within five years from the passing of this Act then on the expiration of that period Period for completion of works.

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the powers of this Act granted to the Company for the making and completion of the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Restriction
on taking
houses of
labouring
class.

7.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the respective fifteenth day of December aforesaid but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Revival and
extension
of time for
construction
of authorised
railway.

8. The powers granted to the Company by the Act of 1883 for the construction of Railway No. 1 Railway No. 2 and Railway No. 3 described in section 5 thereof (except so much of Railway No. 1 as is by this Act authorised to be abandoned) are hereby revived and the time limited by the Act of 1883 as extended and limited by the Acts of 1886 1891 and 1894 for the completion thereof is hereby further extended for the period of three years from the twentieth day of August one thousand eight hundred and ninety-eight and section 4 of the Act of 1894 shall be read and construed as if the period by this Act limited for the completion of the said railways had been the period by that Act limited If the said railways be not completed within the extended period by this Act limited for their completion then on the expiration of that period the powers for making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Inclination
of road.

9. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any

inclination not steeper than the inclination herein-after mentioned in connexion therewith (that is to say) :—

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No. of Railway.	Number on deposited Plans.	Parish.	Intended Inclination.
1	12	Idc	One foot in nine

10. Section 5 of the Act of 1891 the marginal note whereof is "Providing for release of deposit money" except so far as the said section relates to the railways by this Act authorised to be abandoned and section 6 of the Act of 1891 relating to the application of the deposit fund shall respectively apply to the railway and to the deviation railways by this Act authorised and have effect as fully and effectually as if such sections had been specifically re-enacted in this Act.

Certain sections of Act of 1891 to apply.

11. The Company shall abandon the construction of such portions of the railway as will be rendered unnecessary by reason of the construction of the deviation railways by this Act authorised (that is to say) :—

Abandonment of portions of authorised railway.

Such portions of Railway No. 1 authorised by the Act of 1883 as lie respectively between the commencement and termination of Deviation Railway No. 1 and the commencement and termination of Deviation Railway No. 2 by this Act authorised.

12. The Company shall abandon the making of the railways authorised by the Act of 1883 and respectively described in section 5 thereof as "Railway No. 4" and "Railway No. 5."

Railways to be abandoned.

13. The abandonment by the Company under the authority of this Act of any portion of the railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation 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 has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has 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 Railways Clauses Consolidation Act 1845 or the Act of 1883 the Act of 1886 the Act of 1891 or the Act of 1894.

Compensation for damage to land by entry &c. for purposes of railways abandoned.

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Compensation to be made in respect of railways to be abandoned.

14. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said Railways Nos. 4 and 5 or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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 Acts for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Release of portion of deposit under Act of 1883.

15. Subject to the provisions of this Act and of section 6 of the Act of 1891 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court may and shall at any time after the passing of this Act on application by or on behalf of the depositors mentioned or referred to in section 5 of the Act of 1891 or the survivors or survivor of them or the executors or administrators of such survivor or by any other person entitled to the deposit fund order the sum of six thousand five hundred and seven pounds being so much of the deposit fund mentioned in the said section 5 of the Act of 1891 as is applicable to the said Railways Nos. 4 and 5 and the interest or dividends thereon to be paid or transferred to the depositors or their assignees or other person or persons entitled thereto or to any other persons or person whom they or he may appoint in that behalf and upon such order being made such portion of the deposit fund and the interest or dividends thereon shall be paid or transferred to such persons or person accordingly.

Reduction of Company's capital.

16. The capital of the Company is hereby reduced to the sum of one hundred and ninety-eight thousand pounds in nineteen thousand eight hundred shares of ten pounds each.

Power to borrow.

17. Section 19 of the Act of 1883 the marginal note whereof is "Power to borrow" is hereby repealed and in lieu thereof the provisions herein-after contained shall have effect (that is to say):—

The Company may from time to time borrow any sum not exceeding sixty-six thousand pounds in the manner following (that is to say) when and so soon as eighty thousand pounds part of the capital of one hundred and ninety-eight thousand pounds shall have been issued and accepted and one-half thereof paid up they may borrow on mortgage any sum not exceeding twenty-six thousand six hundred pounds and when the further sum of

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—

eighty thousand pounds part of the said capital of one hundred and ninety-eight thousand pounds shall have been issued and accepted and one-half thereof paid up they may in like manner borrow any further sum not exceeding twenty-six thousand six hundred pounds and when the further sum of thirty-two thousand pounds part of the said capital of one hundred and ninety-eight thousand pounds shall have been issued and accepted and one-half thereof paid up they may in like manner borrow any further sum not exceeding ten thousand eight hundred pounds and when the further sum of six thousand pounds being the remainder of the said capital of one hundred and ninety-eight thousand pounds shall have been issued and accepted and one-half thereof paid up they may in like manner borrow any further sum not exceeding two thousand pounds but no part of either of the said sums of twenty-six thousand six hundred pounds and of the said sum of ten thousand eight hundred pounds and of the said sum of two thousand pounds shall be borrowed until the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of that portion of the capital in respect of which the borrowing power is proposed to be exercised has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

18. From and after the date of the passing of this Act the name of the Company shall be the Exeter Railway Company with a common seal and the provisions of Part IV. (Change of name) of the Companies Clauses Act 1863 shall apply accordingly.

Change of
name of
Company.

19. In addition to the provisions contained in section 31 of the Act of 1883 the following provisions shall have effect for the protection of the Ecclesiastical Commissioners (that is to say) :—

For pro-
tection of
Ecclesiastical
Commis-
sioners.

(A) The provisions of the said section shall be read and have effect as being applicable in all respects to the deviation railways

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authorised by this Act as well as to so much of the Railway No. 1 authorised by the Act of 1883 as is not abandoned in pursuance of this Act:

- (B) With respect to so much of the deviation railways by this Act authorised as is to be constructed on or through lands of the Ecclesiastical Commissioners and with respect to so much of the Railway No. 1 authorised by the Act of 1883 as is not to be abandoned pursuant to this Act and is to be constructed on or through lands of the Ecclesiastical Commissioners the Company shall not without the previous consent in writing of the Ecclesiastical Commissioners or of their surveyors deviate either laterally or vertically from the centre lines and levels shown on the deposited plans and sections.

For protection of
estate of Earl
of Devon.

20. In addition and without prejudice to the provisions contained in section 32 of the Act of 1883 the following provisions for the protection and benefit of the Right Honourable and Reverend Henry Hugh Earl of Devon or other the person for the time being entitled to Powderham Castle and the settled estates held therewith (in this section referred to as "the owner") shall have effect:—

- (1) The works of Railway No. 1 shall be commenced from the point of junction of that railway with the Teign Valley Railway and shall be continued from that point towards the city of Exeter and no lands shall be taken or works commenced in the parish of Alphington unless and until either the Company shall have paid or satisfied the owner for the whole of the land in that parish required for the purpose of the undertaking or (A) a binding and properly guaranteed contract for the construction of so much of Railway No. 1 as lies in that parish shall have been entered into by the Company and approved of by the owner and (B) the said Railway No. 1 shall have been completed to formation level from the point of junction with the Teign Valley Railway through the tunnel shown on the deposited plans and sections:
- (2) The amount to be paid by the Company for any of the lands of the owner required by them for the purposes of Railway No. 1 authorised by the Act of 1883 shall be at the rate of three hundred and fifty pounds per acre and in addition to that amount the Company shall pay the sum of seven hundred and fifty pounds as compensation for damage which may be caused to the residences known as "Belleville" and "Cross House" respectively and shown on the deposited plans:
- (3) In the event of the Company requiring to purchase any other lands of the owner in addition to the lands referred to in the immediately preceding sub-section the amount to be paid by

the Company for such additional lands shall in default of agreement be determined in manner provided by the Lands Clauses Acts for the purchase of lands otherwise than by agreement:

- (4) The several amounts so to be paid by the Company for the purchase of lands of the owner shall include all damage for severance but shall not include timber mines or minerals or compensation to the owner's tenants:
- (5) The Company shall before opening the railway for public traffic make and execute at their own cost the following works for the accommodation of the owner (viz.):—
- (A) A good and sufficient road to the reasonable satisfaction of the owner and in such position as he may require in and through the property numbered 45 in the parish of Alphington on the deposited plans of Railway No. 1 authorised by the Act of 1883 for the purpose of connecting the two roads bounding that property;
- (B) Such other accommodation works as may reasonably be required by the owner or his agents:
- (6) If any difference shall arise between the owner and the Company touching any of the foregoing provisions of this section or the nature and extent of the further accommodation works herein-before referred to such difference shall be referred to the President of the Surveyors' Institution or to some member of that institution to be appointed by him:
- (7) Notwithstanding anything contained in the Act of 1883 or this Act the Company shall not give notice to treat for or enter upon take use or interfere with any of the lands or property of the owner unless and until they have proved to his satisfaction that they have raised all the capital required for and that they are in a position to complete and open their railway for public traffic.

21. The Company shall not out of any money which they are by any Act authorised to raise 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.

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

22. Nothing in this Act contained shall exempt the Company or the railway of the Company from the provisions of any general Act relating to railways or 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

Provision as to general Railway Acts.

A.D. 1898. — 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 authorised to be taken by the Company.

Expenses
of Act.

23. 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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