CHAPTER clxxxviii.

A.D. 1894.

An Act to revive the powers and extend the time for the compulsory purchase of Land and completion of Works authorised by the Plymouth and Dartmoor Railway Act 1883 the Plymouth and Dartmoor Railway (South Hams Extension) Act 1888 and the Plymouth and Dartmoor Railway Act 1891 and for other purposes.

[17th August 1894.]

WHEREAS by the Plymouth and Dartmoor Railway Act 1883 (herein-after referred to as "the Act of 1883") the Plymouth and Dartmoor Railway Company (herein-after referred to as "the Company") were empowered inter alia to construct a railway in that Act described as Railway No. 1:

And whereas by the Plymouth and Dartmoor Railway (South Hams Extension) Act 1888 (in this Act referred to as "the Act of 1888") the Company were empowered to construct a railway called the South Hams Extension from a junction with the said Railway No. 1 to Modbury in the county of Devon:

And whereas by the Plymouth and Dartmoor Railway Act 1891 (herein-after called "the Act of 1891") the Company were empowered to deviate a certain portion of the said Railway No. 1 and to abandon the part thereof thereby rendered unnecessary and the powers conferred by the Act of 1883 upon the Company with respect to the said Railway No. 1 (save as to the portion to be abandoned) were revived and the periods for the compulsory purchase of land and for the completion of the works authorised by the Act of 1883 and the Act of 1888 were extended:

And whereas the powers for the compulsory purchase of land for the purposes of the Acts of 1883 and 1891 expired on the second day of August one thousand eight hundred and ninety-three and the period limited for the completion of the said Railway No. 1 deviated as aforesaid will expire on the second day of August one thousand eight hundred and ninety-four and it is expedient that the powers of

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the Company should be revived and the period so limited should be extended as herein-after provided:

And whereas the powers for the compulsory purchase of land for the purposes of the Act of 1888 as extended by the Act of 1891 expired on the twenty-eighth day of June one thousand eight hundred and ninety-three and the period limited for the completion of the railway and works thereby authorised will expire on the twenty-eighth day of June one thousand eight hundred and ninety-four and it is expedient that the powers of the Company should be revived and the period so limited should be extended as herein-after provided:

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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Plymouth and Dartmoor Railway Act 1894.

Incorporation of Act.

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.

Reviving powers and extending period for compulsory purchase of lands for purposes of Acts of 1883 and 1891.

3. The powers of the Company under the Act of 1883 as extended by the Act of 1891 for the compulsory purchase of lands for the completion of the Railway No. 1 as deviated by the Act of 1891 authorised by the Act of 1883 are hereby revived and may be exercised by the Company at any time within but shall not be exercised after the expiration of one year from the second day of August one thousand eight hundred and ninety-four.

Extending period for completion of Railway No. 1 as deviated.

4. The period limited by the Act of 1883 as extended by the Act of 1891 for the completion of the railways thereby authorised is hereby extended for a period of one year from the second day of August one thousand eight hundred and ninety-four with respect to so much of Railway No. 1 as has not been abandoned under the provisions of the Act of 1891 and that period shall be deemed to be the period originally limited for the completion of the said railway and if the same together with the deviation railway by the Act of 1891 authorised be not then completed then at the expiration of that period the powers granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for compulsory purchase of lands for purposes of Act of 1888.

5. The powers granted by the Act of 1888 and extended by the Act of 1891 with respect to the compulsory purchase of lands for the purposes of the railway and works authorised by the Act of 1888 are hereby revived and extended and shall continue in force for and during a period of two years from the twenty-eighth day of June one thousand eight hundred and ninety-four.

Extending period for completion of railway authorised by Act of 1888.

6. The period limited by the Act of 1888 and extended by the Act of 1891 for the completion of the railway and works by the former Act authorised is hereby extended for a period of three years from the twenty-eighth day of June one thousand eight hundred and ninety-four and that period shall for all purposes be deemed to be the period originally limited for the completion of the said railway and if the same be not then completed then at the expiration of that period the powers granted to the Company for making and completing 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. The Company shall not under the powers of the Act of 1891 as extended by this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of the Act of 1891 were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been or shall be subsequently so occupied:

For the purposes of this section the expression "labouring class" 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.

Provision in regard to deposit fund under Act of 1888.

8. Section twenty-six of the Act of 1888 is hereby repealed and in lieu thereof it is enacted as follows (namely):—

If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway authorised by the Act of 1888 complete and open the same for the public conveyance of passengers then and in every such case the deposit fund referred to in the said Act or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less

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valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Act of 1888 and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors:

Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

For the protection of the owner of Kitley.

9.—(1) In the event of the railway being carried across Mudbank Lake by a continuous embankment a proper hatch shall be constructed in it of such height and dimensions as may be agreed between the owner of the estate of Kitley and the Company or failing agreement as may be determined by an engineer to be appointed by the President of the Institution of Civil Engineers for the time being but so as not to endanger the stability of the embankment or to oblige the Company to make or maintain a water-tight embankment.

(2) In the event of the railway not being carried across the Mudbank Lake by a continuous embankment as shown on the deposited plans the Company shall unless otherwise agreed between the Company and the owner of the estate of Kitley provide an opening in the structure of sufficient width to enable the salt and fresh water to freely pass to and from the estuary of the Yealm and shall further plant the shoreward side of the said embankment and any mud which may bulge up above high water-mark with ornamental shrubs.

Provision as to general Railway Acts.

10. 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 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.

11. 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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