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VICTORIÆ REGINÆ.

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Cap. cclxxxii.

An Act for authorizing the *Sidmouth and Budleigh Salterton* Railway Company to make and maintain a Deviation of their authorized Line in the County of *Devon;* and for other Purposes.

[5th *July* 1865.]

WHEREAS by "The *Sidmouth and Budleigh Salterton* Railway Act, 1863," (herein-after called the Company's Act,) the *Sidmouth and Budleigh Salterton* Railway Company (herein-after called "the Company") were incorporated to make and maintain the Railway by that Act authorized: And whereas it is expedient that the Company should make a Deviation in their authorized Line (herein-after described) in the County of *Devon:* And whereas Plans and Sections of the intended Deviation Railway, showing the Lines and Levels thereof, and the Lands in which the same is intended to be made, and Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the 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,) 26 & 27 Vict. c. ccxxxiv.

1. This Act may for all Purposes be cited as "The *Sidmouth and Budleigh Salterton* Railway Act, 1865." Short Title.

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," "The Railways Clauses Act, 1863," and "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Act, 1863," (save so far as any of the Provisions of those Acts are expressly excepted or varied by this Act,) are incorporated with this Act.

Same Meanings to Words in incorporated Act as in this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meaning, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts," "Court of competent Jurisdiction," or any other like Expression in this Act, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Words "Shares" and "Shareholders" include, when requisite, "Stock" and "Stockholders."

Power to take Lands.

4. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use, for the Purposes of the Works by this Act authorized, such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think fit.

Power to make Works authorized by Act.

5. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Railways and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and, so far as the Lines and Levels thereof are shown on the deposited Plans and Sections, may make and maintain the same in accordance with the Lines and Levels so shown.

Works authorized by Act.

6. The Railway and Works by this Act authorized to be made and maintained by the Company comprise the following Railways, with all proper and sufficient Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,)

1. A Deviation in the Line of Railway authorized by "The *Sidmouth and Budleigh Salterton* Railway Act, 1863," commencing in the Parish of *Harpford* in the County of *Devon* at a Point on the authorized Line of the *Sidmouth and Budleigh Salterton* Railway situate Four Furlongs or thereabouts when measured along the said authorized Line from the Point of Commencement thereof as described in the said Act, and terminating in the Parish of *Colaton Raleigh* in the said County of *Devon* at a Point also on the said authorized Line Two Miles Six Furlongs and Five Chains or thereabouts when measured along the said authorized Line from the said Point of Commencement thereof, together with all necessary and proper Stations, Sidings, Approaches, and other Works and Conveniences connected therewith, and the said proposed Deviation Railway will pass from, in, through, or into the several Parishes, that is to say, *Harpford*, *Aylesbeare*, *Dotton*, *Otterton*, and *Colaton Raleigh*, all in the said County of *Devon*:

And which Line and Works shall be substituted for and shall be instead of the Portion of Railway and Works between the Points aforesaid heretofore authorized by the Company's Act, and the Capital of the Company shall be applicable to the Construction thereof.

Relinquishment of Part of authorized Railway.

7. The Company shall abandon and relinquish the Formation of so much of their authorized Railway and Works as was intended to be constructed between the aforesaid Points of Commencement and Termination of the said Deviation Railway; and all Powers, Authorities, and Privileges contained in the Company's Act for the Construction, Maintenance, or Use of the Portion of Railway by this Act required to be abandoned and relinquished shall from and after the passing of this Act cease and determine, and the Twenty-seventh Section of the Company's Act, 1863, shall be read as though the substituted Railway and Works were Part of the Undertaking of the Company authorized by the said Company's Act.

Compensation to be made where contracts have been entered into or Notice given.

8. If before the passing of this Act any Contract has been entered into or Notice given by or on behalf of the Company for purchasing any Lands which the Company were by the Company's Act of 1863 empowered to purchase for the Purpose of constructing the Railway thereby authorized, and by this Act authorized to be relinquished and abandoned, or if any Contract has been entered into for or concerning the Construction or Maintenance of the Railway by the said Act authorized to be made, and hereby authorized to be relinquished or abandoned, or any other Contract relating thereto which by reason of such Relinquishment cannot or is unnecessary to be performed, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands, or being Parties to such Contracts as aforesaid, Compensation, to be determined by Arbitration in manner provided by the "Lands Clauses Consolidation Act, 1845," for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed, pursuant to such Notice, or by reason of such Contract not being performed: Provided always, that any Claim for Compensation shall be made within Six Months from the passing of this Act.

Company to be still liable for Damage occasioned by their Entry on Lands for taking Levels, &c.

9. The Authority by this Act given for relinquishing the making of the said Railway and Works shall not prejudice or affect the Right of the Owner or Occupier of any Lands to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, or of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Period for Completion of Works.

10. The Railway by this Act authorized shall be completed within the Period limited by the Company's Act of 1863 for the Completion of the Railway and Works thereby authorized, and on the Expiration of that Period the Powers by this Act conferred on the Company with respect to the making of the same or otherwise in relation

relation thereto shall cease to be exercised, except as to so much thereof as is then completed.

Power to Company to take Tolls, &c. on Railways by this Act authorized.

11. Subject to the Provisions of the several Acts from Time to Time in force and applicable in that Behalf, the Company from Time to Time, in respect of the Railway by this Act authorized, may demand and take, for all Passengers, Carriages, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks conveying the same respectively, and for Locomotive Engines and other Power provided for the Conveyance thereof, and for all Services performed by them thereon or in respect thereof, a like Amount of Tolls, Fares, Rates, and Charges as by the Company's Act they are authorized to demand and take for like Traffic, Matters, and Services on or with respect to the Line by that Act authorized, and in like Manner and subject to like Provisions in all respects as if the Railway by this Act authorized was originally Part of that Line.

Deviation to be deemed Part of the general Undertaking of the Company.

12. In all respects not by this Act otherwise provided for, the Deviation by this Act authorized shall be deemed Part of the Undertaking of the Company, and all the Provisions of the Company's Act with reference to the original Line, and all Agreements entered into with reference thereto, shall be applicable, *mutatis mutandis*, to the Deviation.

Company may take increased Charges by Agreement.

13. Nothing in this Act contained shall prevent the Company from taking any increased Charges, over and above the Charges limited, for the Conveyance of Carriages, Animals, and Things of any Description, by Agreement with the Owners or Persons in charge of the same, either with respect to the Conveyance of the same (except small Parcels) by Passenger Trains, or by reason of any other special Service (other than the Conveyance of the same) performed by the Company with respect to the same.

Saving Rights of Company.

14. Except only as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the existing Rights, Powers, or Privileges of the Company.

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

15. Nothing in this Act contained shall exempt the Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act authorized, or the Rates for small Parcels thereby authorized.

Expenses of Act.

16. All the Costs, Charges, and Expenses of and incidental to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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