ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Cap. x.

An Act to enable the *South Devon* Railway Company to improve their *Plymouth* and other Stations; to widen Parts of their Railway; and for other Purposes. [15th *May* 1860.]

WHEREAS by reason of the increased and increasing Traffic upon the *South Devon* Railway it has become desirable that the *South Devon* Railway Company, in this Act called "the Company," should be empowered to acquire additional Lands for the Enlargement and Improvement of their Station at *Plymouth* and other Stations in this Act mentioned, and for widening and improving the Portions herein-after described of their existing Railway, and to execute the several Works herein-after specified in connexion therewith: And whereas Plans describing the Lands proposed to be purchased under the Authority of this Act, and Sections in relation to the proposed Works, and a Book of Reference to the Plans, have been deposited with the Clerk of the Peace for the County of *Devon* and with the Clerk of the Peace for the County of the City of *Exeter*: 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. I. This Act may be cited for all Purposes as "The *South Devon* Railway Act, 1860."

Incorporation of Acts. II. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same respectively are applicable to the Purposes of this Act, are incorporated with this Act.

Objects of Act. III. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may exercise the Powers and execute the Works following; (that is to say,)

They may enter upon, purchase, take, and use all or any of the Lands and Houses defined upon the deposited Plans and described in the deposited Books of Reference:

They may appropriate to the Enlargement and Improvement of their Station at or near *Mill Bay*, *Plymouth*, in the County of *Devon*, all or any of those Lands and Houses which are in the Parish of *Saint Andrew*, *Plymouth*, and situate between *Bath Street* on the West, the existing Station and Property of the Company on the East, the *Mill Bay Road* on the South, and *Union Street* on the North, and also all or any of the Lands and Houses defined on the said Plans and described in the said Books of Reference which are situate on the South Side of the *Mill Bay Road*, and adjoin the Company's Station on that Side of the said Road and the Road leading from the *Mill Bay Road* to the *Plymouth Great Western* Docks:

They may make Alterations, as defined on the deposited Plans and Sections, in the Line and Levels of that Part of the *Mill Bay Road* which is situate between *Ryall's Albion* Hotel and the Junction of *Martin Street* with the said Road in *Plymouth* aforesaid, and they may appropriate to the Purposes of the Company such Part of the existing Road as will become unnecessary by reason of such Alterations:

They may construct within the said Parish of *Saint Andrew*, *Plymouth*, a Bridge, as defined on the deposited Plans and Sections, to connect that Part of the existing Station of the Company at *Mill Bay* which is on the South Side of the *Mill Bay Road* with that Portion of the said Station which is on the North Side of that Road:

They may widen and enlarge, according to the deposited Plans and Sections, and lay additional Rails upon that Portion of their Railway which lies between the Northern End of the Bridge carrying the Railway over the River *Exe* in the Parish of *Saint David* in the

the County of the City of *Exeter* and the Northern End of the Company's Station in the Parish of *Dawlish* in the County of *Devon*, also that Portion of their Railway which lies between a Point thereon situate between *Willow Street* and the Old Quay in the Parish of *West Teignmouth* in the County of *Devon* and the Southern End of the Bridge carrying the Railway over the River *Teign* in the Parish of *Wolborough* in the same County, also that Portion of their Railway which lies between the Western End of the *Slade* Viaduct in the Parish of *Cornwood* in the County of *Devon* and the Bridge carrying the Road leading to *Moor Farm* over the Railway in the Parish of *Plympton Saint Mary* in the same County, also that Portion of their Railway which lies between the Engine House on the North Side of *King Street* and the South Side of *Union Street* in the said Parish of *Saint Andrew, Plymouth*:

They may appropriate to the Enlargement and Improvement from Time to Time of their existing Stations called respectively *Saint Thomas*'s Station, *Exminster* Station, *Star Cross* Station, *Newton* Station, and *Brent* Station, such Parts of the Lands and Houses defined upon the deposited Plans and described in the deposited Books of Reference as they from Time to Time think necessary:

They may alter, widen, and enlarge the existing Bridge carrying their Railway across the River *Avon* at the *Brent* Station in the Parish of *South Brent*, and also the Two existing Bridges carrying the Two public Roads at the said Station over the Railway:

For the Purposes of the Works by this Act authorized, and for carrying this Act into effect, they may make, place, and maintain, in, upon, across, and over such of the Lands delineated on the deposited Plans as are from Time to Time vested in the Company, all such Sidings, Turntables, Rails, Chairs, Sleepers, Platforms, Landing Places, Cranes, Warehouses, Sheds, Stations, Buildings, Approaches, and other incidental Works and Conveniences as they think fit, and may cross, stop up, alter, or divert, either temporarily or permanently, upon or within the Lands delineated on the deposited Plans, any Turnpike and other Roads and Highways, Footways, Railways, Tramways, Aqueducts, Canals, Streams, and Rivers within the Parishes, Townships, and extra-parochial and other Places mentioned in the deposited Books of Reference, or any of them, which it may be necessary for those Purposes to cross, stop up, alter, or divert.

Power to apply Corporate Funds to Purposes of this Act.

IV. The Company may apply to the Purposes of this Act any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage, by virtue of any Acts relating to the Company, and which may not be required for the Purposes to which they are by such Acts made specially applicable.

V. Previously

Previously to commencing certain Works, Plans, &c. to be deposited at the Admiralty.

V. Previously to commencing any Work interfering with the River *Teign* the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval; and when any such Work shall have been commenced or constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Work shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Lights to be exhibited.

VI. During the Alteration of the Bridge over the River *Teign* and Works connected therewith the Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of the Bridge every Night from Sunset to Sunrise a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Works not to be deviated riverward between certain Places without Consent of Admiralty.

VII. Between *Teignmouth* and the Parish of *Wolborough* on the Bank of the River *Teign*, and between *Exeter* and *Dawlish* on the Bank of the River *Exe*, the Railway and other Works shall not deviate riverward from the Black continuous centre Line of Way marked on the Plan deposited at the Admiralty, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

VIII. If

Deviation without Consent of Admiralty may be abated.

VIII. If any Deviation which requires the previous Consent of the said Lord High Admiral or the said Commissioners be made without such Consent, it shall be lawful for the said Lord High Admiral or the said Commissioners to abate every such Deviation or any Part thereof; and the Cost of every such Abatement shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order local Survey.

IX. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by the Admiralty.

X. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Land reclaimed not to be taken by Company without Consent of the Commissioners of Woods, &c.

XI. If in the course or by means of the Execution of any of the said Works any Part of the Shores or Bed of any tidal River or of the Sea belonging to Her Majesty shall be inned, gained, or reclaimed from the Water, the Company shall not have or exercise any Right upon the same or in respect thereof, but such inning, gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors; and it shall not at any Time afterwards be lawful for the Company to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed, for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Saving Rights of the Crown.

XII. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere

interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) or shall take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors.

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

XIII. This Act or anything therein shall not exempt the Railways by any Act relating to the Company authorized to be made, or the Company, from the Provisions of any General Acts 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, and of the Rates for small Parcels, authorized by any Act relating to the Company.

Expenses of Act.

XIV. All the Costs, Charges, and Expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

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