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CAP. LXXIV.

An Act to enable Her Majesty's Secretary of State for the War Department to lay down and use a Tramway or temporary Railway across certain public Roads in the County of *Devon*.

[29th *June* 1865.]

WHEREAS in the Construction of Works for the North-eastern Defence of *Plymouth*, by Her Majesty's Principal Secretary of State for the War Department, upon Lands acquired by the said Principal Secretary under the Powers of the Defence Act, 1860, it has been found necessary to lay down a Tramway or temporary Railway to connect the Sites of the several Forts or Batteries, and during the Construction of such Works of Defence to use a Locomotive Engine for the drawing or propelling of Waggons and Trucks thereon: And whereas the Course of such Tramway or Railway runs across certain Highway and Turnpike Roads situated in the Parishes of *Saint Budeaux*, *Tamerton Foliot*, and *Egg Buckland*, in the County of *Devon*; and it is necessary and expedient that the Construction and Use of such Tramway or Railway, so far as the same crosses such Roads or Ways, should be sanctioned by Parliament: 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:

Tramway or Railway across Roads in Devonshire to be continued or made by Order of Secretary of State.

1. It shall be lawful for the said Principal Secretary to order and direct that any existing Tramway or Railway may be continued and maintained, or that any Tramway or Railway hereafter required may be made, over and across any public Road or Highway situated in the Parishes aforesaid, and that the same may be used for the Passage of any Locomotive Engines, Waggons, and Trucks, at such Times and subject to such Regulations as to the said Principal Secretary shall seem meet.

Gates to be made to fence in Railway, &c., and Persons to be employed to attend said Gates.

2. The said Principal Secretary shall forthwith erect and maintain good and sufficient Gates across such Roads on each Side of the Tramway or Railway where the same shall communicate therewith, and shall employ proper Persons to open and shut such Gates, and such Gates shall be kept constantly closed at such Times as the said Principal Secretary shall think fit to order, and such Gates shall be of such Dimensions and so constructed as when closed to fence in the said Tramway or Railway, and prevent Cattle or Horses passing along the Road from entering upon the said Tramway or Railway.

Compensation for Loss of Tolls on Roads to be made.

3. The said Principal Secretary shall, out of Monies voted by Parliament for the Construction of the said Works, make Compensation for Loss of Toll (if any) that may be shown to have been occasioned by or to arise from the Construction of any Tramway or Railway across any Turnpike Road, and out of the same Monies to restore and reinstate, upon the Completion of the said Works, the said Roads or Highways, in the same State and Condition in which the same were before the said Tramway or Railway was laid across the same.

Duration of Powers and Indemnification of Secretary of State.

4. The Powers conferred by this Act shall be exercised by the said Principal Secretary only within Three Years after the passing of the same, and the said Principal Secretary shall not by reason of anything done or omitted to be done under this Act be liable to any Fine, Penalty, or Forfeiture, or to the Execution of any Process against his Person or Property.

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