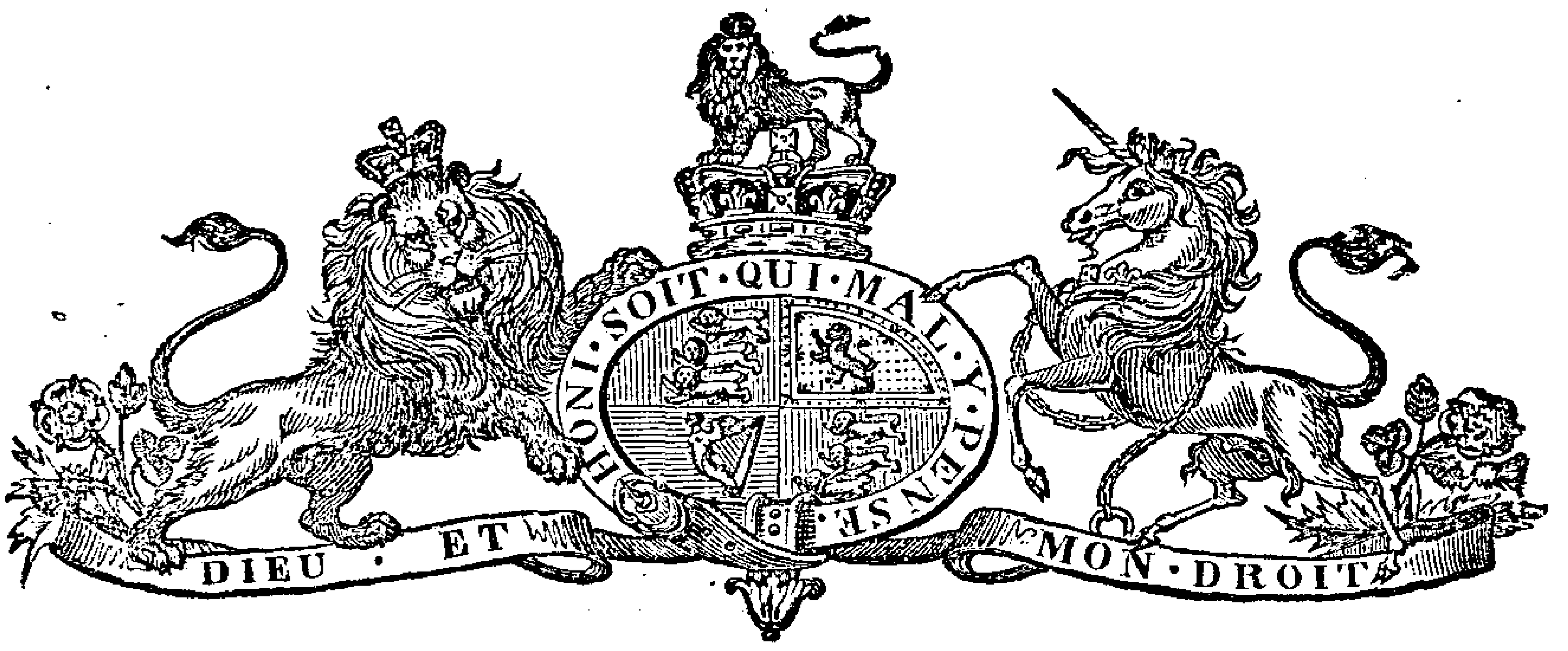


ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxl.

An Act for making a Railway from the *North Devon* Railway at *Fremington Pill* to *Bideford,* to be called "The *Bideford* Extension Railway."

[4th *August* 1853.]

WHEREAS the making of a Railway in extension of the *North Devon* Railway from its Terminus at *Fremington Pill* in the Parish of *Fremington* in the County of *Devon* to the Town of *Bideford* would be of great public Advantage: And whereas the Persons herein-after named, together with other Persons, are willing at their own Expense to carry such Undertaking into execution; but the same 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,)

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

I. That "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses

Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Bideford* Extension Railway Act, 1853."

Incorporation of Company.

III. That *George Braginton*, *Stephen Cleverly Willcock*, *John Goodman Maxwell*, *John Sharland*, *William Tite*, and *Edward Woolmer*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after particularly mentioned, with proper Works and Conveniences belonging thereto, according to the Provisions of the said Acts and of this Act, and for other Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Bideford* Extension Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. That the Capital of the said Company shall be Fifty-five thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be Five thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

V. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Interest or Dividend not to be paid on Calls paid up.

VI. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act to be authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

VII. That

Deposit for future Bills not to be paid out of Company's Capital.

VII. That it shall not be lawful for the said Company out of any Money by this Act authorized to be raised to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

VIII. That it shall be lawful for the said Company to borrow on Mortgage or Bond any Sum not exceeding in the whole Ten thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Fifty-five thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been actually paid up; and all Monies, whether raised by Shares or Mortgage, shall be applied in carrying out the Purposes of this Act only, and for no other Purpose.

Arrears may be enforced by Appointment of Receiver.

IX. That it shall be lawful for the Mortgagees of the Company to enforce Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Two thousand Pounds.

Number of Directors.

X. That the Number of Directors of the said Company shall be Nine, and the Qualification of a Director shall be the Possession of Twenty Shares in the Undertaking.

Quorum of Directors.

XI. That the Quorum of a Meeting of Directors shall be Three.

First Directors of the Company.

XII. That the First Directors of the said Company shall be *George Braginton*, *Thomas Lawrence Pridham*, *John Goodman Maxwell*, *John Griffith Frith*, *John Sharland*, *William Cory*, *John Wheelton*, *William Tite*, and *Daniel Warren*.

Election of Directors.

XIII. That the Directors herein-before appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and the Directors appointed at the First Ordinary Meeting after the passing of this Act shall continue in Office until the

First Ordinary Meeting to be held after the opening for public Traffic of the Railway, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed at the First Ordinary Meeting after the passing of this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed at such First Ordinary Meeting being eligible as Members of such new Body; and at the First Ordinary Meeting to be held in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of such of the Directors as shall then, in accordance with the Provisions contained in "The Companies Clauses Consolidation Act, 1845," retire from Office; and the several Persons elected at any such Meeting, being neither removed or disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the last-mentioned Act is provided.

Power to vary the Number of Directors.

XIV. That it shall be lawful for the said Company, by the Vote of any General or Special General Meeting, from Time to Time to reduce the Number of Directors for the Time being, but so that the Number of Directors shall at no Time be less than Five, and also, subject to the Provisions of the recited Acts, to determine the Order of Rotation in which such reduced Number of Directors shall go out of Office; and all Acts, Matters, and Things done by or by the Authority of the said Directors when so reduced in Number shall be valid.

Newspaper for Advertisements.

XV. That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Paper published in the County of *Devon*.

Deposit of Plans and Sections.

XVI. That whereas Plans and Sections of the proposed Railway, showing the Lines and Levels thereof respectively, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Devon*: The said Railway may be made in the Line and upon the Lands delineated upon the said Plans, and described in the said Books of Reference, and according to the Levels described on the said Section; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

Line of Railway.

XVII. That the said Railway shall commence by a Junction with the *North Devon* Railway at or near the Terminus thereof at *Fremington*

mington Pill aforesaid, and shall terminate at or near to the Yard, Waste, and Works known as *Cross Park* Potteries, in the Parish of *Bideford*, and near the *Barnstaple Lane* Turnpike Gate.

Power to cross certain Road on the Level.

XVIII. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained, in reference to the crossing of Roads on a Level, it shall be lawful for the Company in constructing the said Railway to carry the same on the Level across the Turnpike Road leading from *Bideford* to *Instow*, numbered Seventy-six, as to the Parish of *Instow* in the said County of *Devon*.

Company to erect a Station or Lodge at the Point of crossing, and to abide by Rules, &c. of the Board of Trade.

XIX. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, herein-after called the Board of Trade; and if the said Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

XX. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Road on the Level shall have been completed and open for Public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossing.

As to Bridge across Fremington Pill.

XXI. That the Opening in the Bridge for carrying the said Railway across *Fremington Pill* shall be not less than Twenty-five Feet in Width, and shall be constructed only according to such Plans and in such Manner and at such Part of the Bridge as shall be previously

approved of by 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 being signified in Writing under the Hand of the Secretary of the Admiralty.

Penalty for detaining Vessels navigating Fremington Pill.

XXII. That it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating *Fremington Pill* for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge to cross *Fremington Pill* and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Lights to be exhibited at Bridge for Guidance of Vessels.

XXIII. That during the Construction of the said Bridge across *Fremington Pill*, and Works connected therewith, the said 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 said Bridge the said Company shall cause to be hung out or exhibited at a proper Place upon the said 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 Light and its Position shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used 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 said 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.

Not to deviate towards River without Consent of the Admiralty.

XXIV. That the Railway shall not be deviated towards the River from the Black Centre Line of the Plan deposited at the Admiralty without the previous Assent of the said Lord High Admiral or the said Commissioners, signified by Writing under the Hand of the Secretary of the Admiralty.

Admiralty may order local Sur-

XXV. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners

sioners 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 Water or navigable 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.

vey to be made at Expense of Company.

XXVI. That if any Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of any Work which affects 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.

If Works abandoned Admiralty may remove same at Expense of Company.

XXVII. That it shall not be lawful for the Company by this Act incorporated, or for any other Company, or for any Person in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the said *North Devon* Railway and Dock Company, or any of the Works appertaining thereto, without their Consent expressed in Writing under the Hand of their Secretary, or under their Common Seal, first had and obtained, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid, and that such Junction shall be formed to the Satisfaction in all respects of the said *North Devon* Railway and Dock Company, and in such Manner and subject to such Restrictions as they may direct.

Company not to take Property of North Devon Railway Company, or interfere with their Railway or Works.

XXVIII. That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of, or vested in, or belonging to the said *North Devon* Railway and Dock Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament and otherwise are hereby expressly saved and reserved.

Saving Rights of North Devon Railway Company.

XXIX. That the further Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Land for extraordinary Purposes.

XXX. That

Limiting Time for compulsory Purchase of Lands.

XXX. That the Powers of the Company for compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Time for Exercise of other Powers.

XXXI. That after the Expiration of Three Years from the passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized or otherwise in relation thereto shall cease to be exercised, except as to so much of the same as shall then be completed.

Security for Completion of Railway within Time limited.

XXXII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Three thousand six hundred Pounds (being One Tenth Part of Three Fourths of the Estimate of the Expense of the Railway authorized by this Act) has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Three thousand six hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and, when so paid and transferred, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the Sum of Three thousand six hundred Pounds

Pounds shall have been executed by the said Company with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand six hundred Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

XXXIII. That it shall be lawful for the said Company to demand any Tolls for the Use of the said Railway not exceeding the following; (that is to say,)

In respect of the Tonnage of all Articles conveyed thereon, or upon any Part thereof, and included within the following Classes:

For all Dung, Compost, and all Sorts of Manure (except burnt Lime and Salt) and Limestone, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Coals, Coke, Culm, Charcoal, Cinders, burnt Lime, and Salt, building, pitching, and paving Stones, dressed Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod,

Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, the Sum of One Penny Halfpenny *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Twopence *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

For all Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, the Sum of Threepence *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Twopence *per* Mile; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny *per* Mile; and if propelled by an Engine belonging to the Company, a further Sum not exceeding One Penny *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, the Sum of One Halfpenny *per* Mile; and if conveyed in a Carriage belonging to the Company, an additional Sum of One Halfpenny *per* Mile; and if propelled by an Engine belonging to the Company, an additional Sum of One Halfpenny *per* Mile:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Sixpence *per* Mile; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding Twopence *per* Mile; and if propelled by an Engine belonging to the Company, an additional Sum not exceeding Twopence *per* Mile:

Tolls for Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage

riage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Tolls for small Parcels and Articles of great Weights.

XXXIV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls not exceeding the following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds, but not exceeding Fourteen Pounds, Ninepence:

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling:

And for any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Fourpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Threepence:

For the Carriage of any One Boiler, Cylinder, or Piece of Machinery, or single Piece of Timber, Stone, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Regulations as to Tolls.

XXXV. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Passengers, Animals, Carriages, Goods, Articles, Matters, and Things conveyed on the Railway for a less Distance than Three Miles, the Company may demand Tolls and Charge as for Three Miles:

For

For a Fraction of a Mile beyond Two Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charge for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile:

For every Fraction of a Ton the Company may demand Tolls according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton.

Limiting Charges for the Conveyance of Passengers.

XXXVI. That it shall not be lawful for the Company by this Act incorporated to demand or receive on the Railway more than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by extraordinary Trains.

Limiting Charges for Conveyance of Goods and Cattle.

XXXVII. That it shall not be lawful for the said Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all sorts of Manure (except burnt Lime and Salt) and Limestone, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For all Coals, Coke, Culm, Charcoal, Cinders, burnt Lime, and Salt, building, pitching, and paving Stones, dressed Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Castings not manufactured into Utensils or other Articles of Merchandise, the Sum of Twopence *per* Ton *per* Mile:

For all Sugar, Grain, Corn, Flour, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Threepence *per* Ton *per* Mile:

For all Cotton and other Wools, Hides, Drugs, manufactured Goosd, and all other Wares, Merchandise, Articles, Matters, or Things, the Sum of Fourpence *per* Ton *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Threepence *per* Mile:

For every Calf or Pig conveyed in or upon any such Carriage, the Sum of One Halfpenny *per* Mile:

For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, the Sum of One Halfpenny *per* Mile:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Sixpence *per* Mile.

Limiting Charge for Conveyance of Cattle and Sheep in certain Cases.

XXXVIII. Provided always, That if any Person shall desire to hire or retain a separate Waggon or Truck for the Conveyance of Cattle or Sheep belonging to him, it shall not be lawful for the said Company to charge any greater Sum, including all the Charges aforesaid, than One Shilling *per* Mile for every Waggon or Truck capable of containing conveniently Six Beasts of an ordinary Size, or Twenty-five Sheep.

Passengers Luggage.

XXXIX. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Fifty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Extra Trains.

XL. That the Restriction as to the Charge to be made for Passengers shall not extend to any Extra Train that may be required to run upon the said Railway, but shall apply only to the Ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Power to agree with North Devon Railway Company for Use of their Line.

XLI. That, subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," the Company may from Time to Time, with the Consent of the *North Devon* Railway and Dock Company, for the Purpose of the Traffic upon and Use of the Railway, enter, come, and go upon and use with their Engines and Carriages all or any Part of the *North Devon* Railway and Dock, and the Stations, Works, and Conveniences thereof, and, subject to the Provisions of this Act and the said Railways Clauses Consolidation Act, may from Time to Time enter into all such Contracts, Agreements, and Arrangements with the said *North Devon* Railway and Dock Company, with respect to the Use by the Company hereby incorporated of all or any Part of the *North Devon* Railway and Dock, and the Stations, Works, and Conveniences thereof, and the Tolls, Rates, and Charges with respect to Traffic thereon respectively, and for any other Purposes of this

this Act relating thereto, as the said Companies shall from Time to Time mutually agree upon; and such Contracts, Agreements, and Arrangements may contain such Covenants, Clauses, Stipulations, and Provisions for the better effectuating the Purposes aforesaid as the said Companies may lawfully enter into, and as they shall think fit and mutually agree on.

Company may purchase Lands reclaimable from the Commissioners of Woods, &c. and other Persons.

XLII. That it shall be lawful for the Company to contract and agree with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and with any other Person or Persons, for the Purchase of any Land belonging to Her Majesty in right of Her Crown, or to any such other Persons, which may be capable of being reclaimed from the Sea or navigable River by the Works of the said intended Railway; and with respect to the Purchase from such other Person or Persons as aforesaid, all the Provisions contained in "The Lands Clauses Consolidation Act, 1845," with reference to the Purchase of Lands by Agreement, shall be applicable to such Purchase.

For Sale of such Lands not wanted.

XLIII. Provided always, That the Company shall within Twenty Years from the Completion of the Railway absolutely sell and dispose of all Lands purchased or taken under the Provisions herein-before contained respecting Lands to be reclaimed from the Sea or navigable River, in the Manner directed by "The Lands Clauses Consolidation Act, 1845," with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of that or the Special Act, or any Act incorporated therewith, but which shall not be required for the Purposes thereof, and subject to and in accordance in all respects with the Provisions and Restrictions of the said Act; and the Money arising from the Sale of such Land shall form Part of the general Revenues of the Company.

Saving Rights of the Crown.

XLIV. That nothing whatsoever contained in this Act or in any of the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Foreshore, Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the same Premises, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been vested in or enjoyed by Her Majesty, Her Heirs or Successors.

XLV. That

Expenses of Act.

XLV. That all the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XLVI. That whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be enforced in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to the Provisions of future General Acts.

XLVII. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made or the said Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this Act.

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