ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cxxii.

An Act for making a Railway to connect *Brean Down* Harbour with existing Railways in the County of *Somerset*; and for other Purposes.

[19th *June* 1865.]

WHEREAS by "The *Brean Down* Harbour Act, 1862," the *Brean Down* Harbour Company (in this Act called "the Company") were incorporated for making a Pier and Harbour at *Brean Down* on the *Bristol Channel*, and for other Purposes, with a Capital of Seventy-five thousand Pounds, in Shares of Ten Pounds each, and with Power to borrow on Mortgage Twenty-five thousand Pounds: And whereas a Railway from *Brean Down* aforesaid to join in the Parish of *Bleadon* in the County of *Somerset* the *Bristol and Exeter* Railway would be of local and public Advantage: And whereas Plans and Sections showing the Situation, Line, and Levels of the proposed Railway, and the Lands proposed to be taken or which may be required to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of those Lands respectively, have been deposited with the Clerk of the Peace for the County of *Somerset*, and those Plans, Sections, and Books of Reference are in this Act

25 & 26 Vict. c. xxix.

referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas the Company are willing to undertake the Construction of the proposed Railway, if authorized by Parliament so to do, and to raise Money for the Purpose: And whereas it is expedient, and the *Bristol and Exeter* Railway Company are willing, that the *Bristol and Exeter* Railway Company be authorized to lay down additional Rails on their Railway from a Point at or near the Termination of the proposed Railway to their Station at *Highbridge:* And whereas it is expedient that the Company and the *Bristol and Exeter* Railway Company be empowered to make Agreements for the Purposes in that Behalf specified in this Act: And whereas the Objects aforesaid 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:

Short Title.

1. This Act may be cited as "*Brean Down* Harbour Railways Act, 1865."

Certain Provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

2. All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845,"—

With respect to the Construction of the Act, and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

And Part I. (relating to Cancellation and Surrender of Shares) and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863;"

shall, so far as the same are not inconsistent with, or varied or otherwise provided for by, the Provisions of this Act, be incorporated with and form Part of this Act.

3. "The

3. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) and Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of those Acts or Parts of Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act. 8 & 9 Vict. cc. 18. & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

4. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith the Term "Superior Courts" includes any Court of competent Jurisdiction as in this Act defined, and the Word "Share" includes Stock. Interpretation of Terms in incorporated Acts.

5. In this Act and the Acts and Parts of Acts incorporated therewith the Expression "Court of competent Jurisdiction," or any other like Expression, 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. Interpretation of Terms in this Act.

6. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act. Same Meanings to Words in incorporated Acts as in this Act.

7. In addition to such Sums of Money as the Company now are authorized to raise, they may for the Purposes of this Act raise by the Creation and Issue of new Ordinary Shares and new Ordinary Stock, or (at the Option of the Company) by either of those Modes, any further Sums not exceeding in the whole Fifty-one thousand Pounds, and, subject to the other Provisions of this Act, may fix the Amount and Times of Payment of the Calls on the new Shares. Power to Company to raise Capital by new Shares.

8. Every Person who becomes entitled to any new Share or Stock created under the Powers of this Act shall in respect of the same be a Proprietor in and of the Undertaking of the Company, and shall be entitled to a Dividend with the other Proprietors proportioned to the Amount of such Stock, or to the whole Amount for the Time being paid up on such Shares, as the Case may be. Dividends on new Shares.

9. All such new Stock shall, in proportion to the Amount thereof, and all such new Shares shall, in proportion to the Amount for the Time being paid up thereon, confer upon the respective Holders thereof Qualifications, &c. for new Shares and Stock.

thereof the same Qualifications, Rights of voting, and other Privileges as any Shares or Stocks of the Company created by or under the original Act.

Receipt for Persons under Disability.

10. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Limit of Amount and Number of Calls.

11. The Amount of any One Call to be made in respect of the new Shares created under the Powers of this Act shall not exceed the Rate of Twenty-five Pounds *per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar Months at the least between any Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Shares not to issue until One Fifth paid up.

12. It shall not be lawful for the Company to issue any Share created under this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum, not being less than One Fifth Part of the Amount of such Share, shall have been paid up in respect thereof.

Power to borrow on Mortgage.

13. When the whole of the said Capital of Fifty-one thousand Pounds has been subscribed for, and One Half thereof paid up, the Company may borrow on Mortgage any Sum or Sums not exceeding in the whole Seventeen thousand Pounds, but no Part of such last-mentioned Sum of Seventeen thousand Pounds shall be borrowed until the whole of the said Capital or Sum of Fifty-one thousand Pounds shall have been *bonâ fide* subscribed for and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital or Sum of Fifty-one thousand Pounds has been subscribed for *bonâ fide* and issued, and that One Half of that Capital has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Fact the Certificate of the Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

14. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking

Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by the Company by virtue of this Act.

Application of Monies raised under this Act.

15. All and every Part of the Monies authorized to be raised by new Shares or Stock, or on Mortgage, under the Provisions of this Act, shall be applied only to the Purposes by this Act authorized.

Arrears may be enforced by Appointment of a Receiver.

16. The Mortgagees of the Company may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in the event of the Principal Money or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than One thousand seven hundred Pounds in the whole.

Bristol and Exeter Railway Company may apply Funds.

17. The *Bristol and Exeter* Railway Company may, for the Purposes which they are by this Act authorized to execute, apply their Revenues, and any Money which they have raised or may raise by Shares, Stock, or borrowing under the Authority of any Act, and which they do not for the Time being require, for the Purposes to which it is by such Act made specially applicable.

Powers for compulsory Purchase limited.

18. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Land for extraordinary Purposes.

19. The Company may from Time to Time purchase by Agreement any Quantity of Land, not exceeding in the whole Two Acres, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Power to make Works authorized by Act.

20. Subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated with this Act, the Company from Time to Time may make the Railway 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 Railway and Works are shown on the deposited Plans and Sections may make the same in the Lines and in accordance with the Levels shown thereon, and may enter upon, take, and use such of the said Lands as may be necessary for those Purposes.

Railway authorized by Act.

21. The Railway by this Act authorized is a Railway commencing in the Parish of *Brean* in the County of *Somerset*, near the North-western Extremity of *Brean Down*, and terminating in the Parish of *Bleadon*

Bleadon in the same County by a Junction with the *Bristol and Exeter* Railway to the Northward of the Bridge carrying the Road from *Brean* and *Berrow* to *Bleadon* over the *Bristol and Exeter* Railway.

Gauge of Railway.

22. The Company shall construct the Railway with Rails adapted as well to Engines and Carriages of the Gauge of Four Feet and Eight and Half Inches as to Engines and Carriages of the Gauge of Seven Feet.

Bridge over the Axe.

23. The Bridge for carrying the Railway across the River *Axe* shall be built with Five Openings, each of which shall be of the Span of Forty Feet at least, and with a Swivel-opening Bridge of not less than Forty Feet Span in the Centre of it, and the Soffit of the Bridge shall not be less than Eight Feet above High-water Mark at ordinary Spring Tides.

Limiting Time for Completion of Works.

24. The Railway shall be completed within Five Years from the passing of this Act, and upon the Expiration of that Period all the Powers by this Act granted for making the Railway, 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 Railways within Time limited.

25. And 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 nine hundred and eleven Pounds Two Shillings and Twopence Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, purchased for the Sum of Three thousand five hundred and twenty Pounds, which is Eight *per Centum* upon Forty-four thousand Pounds, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect to the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum of Stock so transferred as aforesaid in respect of the Application for this Act, or the Dividends of that Sum, 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 Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this

Act

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 Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Stock so transferred as aforesaid, and the 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 said Sum of Three thousand five hundred and twenty Pounds shall have been executed by the Company, with One or more Surety or 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, the Sum of Three thousand five hundred and twenty Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the 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 the Railway 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 Stock so transferred, and the 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 Stock so transferred, and the Interest and 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 Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

26. The

Tolls.

26. The Company may demand and take for the Use of the Railway, and for the Supply of Carriages, Waggons, or Trucks, any Tolls not exceeding the following; (that is to say,)

For Passengers.

First, in respect of Passengers conveyed upon the Railway, or any Part thereof, as follows:

For every Person, Twopence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile.

For Animals.

Secondly, in respect of Animals conveyed upon the Railway, or any Part thereof, as follows:

Class 1. For every Horse, Mule, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 2. For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Head *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Penny *per* Mile:

Class 3. For every Calf, Pig, Sheep, Lamb, and other small Animal, Three Farthings each *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum of One Farthing *per* Mile.

Tonnage on Articles of Merchandise.

Thirdly, in respect of Goods conveyed upon the Railway, or any Part thereof, as follows:

Class 4. For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of the public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Chalk, Sand, Slag, and Clay (except Fireclay), *per* Ton *per* Mile One Farthing; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 5. For all Coke, Charcoal, Pig Iron, Bar Iron, Rod Iron, Sheet Iron, Hoop Iron, Plates of Iron, Wrought Iron, heavy Iron Castings, Railway Chairs, Slabs, Billets, and rolled Iron, Lime, Bricks, Tiles, Slates, Salt, Fireclay, and Stone, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Halfpenny:

Class 6. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, and Metals (except Iron Nails, Anvils, Vices, and Chains), and for light Iron Castings, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 7. For Cotton and other Wools, Drugs, and manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Threepence; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

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, conveyed on a Truck or Platform belonging to the Company, Sixpence *per* Mile; and a like Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

Tolls for propelling Power.

27. The Company may demand for the Use of Engines for propelling Carriages on the Railway any Sum not exceeding One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles.

Maximum Rates of Charge for Passengers.

28. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers along the Railway, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Farthing *per* Mile.

Restriction as to Charges not to apply to Special Trains.

29. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Trains that may be required to be run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railways.

Passengers Luggage.

30. Every Passenger travelling upon the Railway may cause to be carried in the same Train with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Charge for Animals and Goods.

31. And with respect to the Conveyance of Goods, Carriages, and Animals, the Company may lawfully demand and receive as a maximum

maximum Rate of Charge for the Conveyance thereof along the Railway, including the Tolls for the Use of the Railway, and Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods), and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services, or any of them, are or is performed by the Company, any Rates or Sums not exceeding the Rates or Sums following; (that is to say,)

For every Animal in Class 1, Fourpence *per* Mile:

For every Animal in Class 2, Threepence *per* Mile:

For every Animal in Class 3, One Penny *per* Mile:

For everything in Class 4, One Penny Halfpenny *per* Ton *per* Mile:

For everything in Class 5, Twopence *per* Ton *per* Mile:

For everything in Class 6, Threepence *per* Ton *per* Mile:

For everything in Class 7, Fourpence *per* Ton *per* Mile:

And 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, *per* Mile Sixpence; and if weighing more than One Ton, One Penny Halfpenny for every additional Quarter of a Ton or Fraction of a Quarter of a Ton which such Carriage may weigh.

Regulations as to the Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond three Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Animals, Minerals, and Merchandise for such Fraction in proportion to the Numbers 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; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll 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:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton, and so in proportion for any smaller Quantity.

Tolls for small Parcels and single Articles of great Weight.

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

For the Carriage on the Railway or any Part thereof of any Parcel not exceeding Seven Pounds in Weight, Threepence:

For the like Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Fivepence:

For the like Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds, Sevenpence:

For the like Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds, Ninepence:

And for the like Carriage of any Parcel exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they may 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 single 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 such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

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

Terminal Station.

34. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat or therefrom to the Consignee.

Company may take increased Charges by Agreement.

35. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof

thereof (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Additional Rails on Part of Bristol and Exeter Railway.

36. The *Bristol and Exeter* Railway Company may lay down on their Railway, from a Point at or near the Termination of the Railway by this Act authorized to the *Highbridge* Station of the *Bristol and Exeter* Railway Company, additional Rails, so as to adapt the same to Carriages on the Narrow Gauge as well as to Carriages on the Broad Gauge.

Traffic Arrangements.

37. The Company and the *Bristol and Exeter* Railway Company may from Time to Time enter into and carry into effect Agreements with respect to the following Purposes, or any of them, and any incidental Matters; (that is to say,)

The Maintenance, Management, Use, and Working by both or either of the contracting Companies of all or any Part of the Railways and Works of both or either of them, and of all or any of the Stations, Works, and Conveniences belonging thereto, and the Costs and Expenses thereof:

The Regulation, Management, and Transmission by both or either of the contracting Companies of the whole or any Part of the Traffic thereon:

The Supply, Maintenance, and Use of any Rolling or Working Stock and Plant required for such Purposes, and the Employment, Payment, and Dismissal of Officers and Servants:

The fixing, Collection, Payment, Division, Appropriation, and Distribution of the Tolls and other Income arising from such Railways and Works:

The Rents, Tolls, Charges, Rebates, and Drawbacks to be paid or allowed by either of the contracting Companies to or for the other of them:

And any such Agreement may be made for the same Period of Time with reference to all the Purposes of the Agreement, or for different Periods with reference to different Purposes.

Tolls partly on Railway and partly on the other Company's Railway.

38. Where, under any Agreement authorized by this Act, any Passengers, Animals, or Things are conveyed by the *Bristol and Exeter* Railway Company a Distance in the whole less than Three Miles partly on the Railway by this Act authorized, and partly on any Railway belonging to the *Bristol and Exeter* Railway Company, that Company may demand and take Tolls, Fares, Rates, and Charges not exceeding the maximum Tolls, Fares, Rates, and Charges as for Three Miles only; and with respect to Goods, Minerals, and Animals, that Company may demand and take for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles

One

One Fourth of the Tolls, Rates, and Charges payable for One Mile; and with respect to Passengers, every Fraction of a Mile beyond Three Miles shall be deemed a Mile; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods conveyed as aforesaid than the Charge in this Behalf herein authorized.

Saving Rights of Bristol and Exeter Railway Company.

39. Except only as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Bristol and Exeter* Railway Company.

Saving Rights of the Crown.

40. 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 with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous 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); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

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

41. It shall not be lawful for any 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 authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent any 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.

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

42. It shall not be lawful for any 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 that Company to construct any other Railway, or execute any other Work or Undertaking.

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

43. Nothing in this Act contained shall exempt the Railway by this Act authorized to be made from the Provisions of any General Act 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, or of the Rates for small Parcels, by this Act respectively authorized.

Expenses of Act.

44. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.