ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cccvii.

An Act for making a Railway from the *Bristol and Exeter* Railway to *Barnstaple;* and for other Purposes. [29th *July* 1864.]

WHEREAS the making of the several Lines of Railway by this Act authorized would be of local and public Advantage: And whereas the several Persons in that Behalf in this Act named, with others, are willing, at their own Expense, to carry the Undertaking into execution on being incorporated into a Company (in this Act called "the Company") for the Purpose: And whereas the Railway by this Act authorized will communicate directly with the Railways of the *Bristol and Exeter* Railway Company (in this Act called the *Bristol and Exeter* Company), and it is expedient that Traffic Arrangements between the Company and the *Bristol and Exeter* Company be authorized: And whereas Plans and Sections of the Railway by this Act authorized, showing the Lines and Levels thereof, and Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to be taken for the Purposes thereof, have been deposited with the respective Clerks of the Peace for the Counties of *Devon and Somerset*, and those Plans, Sections, and Books of Reference are in this Act referred

to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "The *Devon and Somerset* Railway Act, 1864."

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

2. "The Companies Clauses Consolidation Act, 1845," and Part I., relating to Cancellation and Surrender of Shares, of "The Companies Clauses Act, 1863," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "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," (save so far as any of the Sections and Provisions of those Acts and Parts respectively are expressly excepted or varied by this Act,) are incorporated with this Act.

Same Meaning to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context: Provided that the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression, in this Act or any of the Acts in whole or in part incorporated with this Act, shall for the Purposes of this Act 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.

The Devon and Somerset Railway Company incorporated.

4. The Right Honourable Lord *Poltimore*, Sir *Nicholas William Throckmorton* Baronet, *John Arthur Locke*, *John Thomas Nash*, *William Gould Smyth*, *William Hancock*, and all other Persons who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns, respectively, are by this Act united into a Company, for the Purpose of making and maintaining the *Devon and Somerset* Railway, and for all other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "The *Devon and Somerset* Railway Company," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

5. The

5. The Capital of the Company shall be Five hundred thousand Pounds in Twenty thousand Shares of Twenty-five Pounds each. Capital.

6. It shall not be lawful for the Company to issue any Share, 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 in respect thereof. Shares not to issue until One Fifth paid up.

7. Five Pounds a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of the Share shall be the utmost aggregate Amount of the Calls payable in any One Year on any Share. Calls on Shares.

8. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole One hundred and sixty-six thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Five hundred thousand Pounds by this Act authorized is subscribed for or taken *bonâ fide*, and One Half of the Amount thereof is actually paid up, and the Justice who certifies in accordance with Section 40 of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, is satisfied that the whole of the Capital is *bonâ fide* subscribed for or taken, and that all the Shares are issued, and Twenty Pounds *per Centum* at least has been paid on account of each separate Share on or before the Issue and Acceptance thereof, and that each Share is held by registered Holders thereof, who or whose Assigns are legally liable for the Payment of so much thereof as from Time to Time is unpaid; and of his Satisfaction in that Behalf his Certificate under that Section shall be sufficient Evidence. Power to borrow on Mortgage.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest or of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Ten thousand Pounds. Arrears may be enforced by the Appointment of a Receiver.

10. The Company, or any other Railway Company to which this Act relates, shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided that the respective Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions Interest not to be paid on Calls paid up.

visions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposit on future Bills not to be paid out of Capital.

11. The Company, or any other Railway Company to which this Act relates, shall not, out of any Money by this Act or any other Act relating to the respective Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament from Time to Time in force is required to be deposited in respect of any Application to Parliament for obtaining an Act authorizing the respective Company to make any Railway or execute any other Work or Undertaking.

Application of Monies.

12. All and every Part of the Monies raised by the Company under this Act, whether by Shares or by borrowing, shall be applied only for Purposes of the Company's Undertaking.

First and other Meetings.

13. The First Ordinary Meeting of the Company shall be held within Nine Months after the passing of this Act.

Number of Directors, and Quorum.

14. The Number of Directors shall not be more than Nine nor less than Six, and the Quorum of a Meeting of the Directors shall be Three.

Qualification of Directors.

15. The Qualification of a Director shall be the Possession by him in his own Right of Shares to the aggregate nominal Amount of Five hundred Pounds.

First Directors.

16. The Right Honourable Lord *Poltimore*, Sir *Nicholas William Throckmorton* Baronet, *John Arthur Locke*, *John Thomas Nash*, *William Gould Smyth*, and *William Hancock* shall be the First Directors.

Retirement of First Directors.

17. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting, and at that Meeting the Shareholders present, in person or by proxy, may either continue in Office the Directors appointed by this Act, or any of them, or may elect Directors to supply the Place of such of them as are not so continued in Office, the retiring Directors (if any) being, if qualified, re-eligible.

Newspaper for Advertisements.

18. The Newspaper for Advertisements shall be any Newspaper published in either of the Counties of *Devon* or *Somerset*.

Power to take Lands for Purposes of Act.

19. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown

shown on the deposited Plans and specified in the deposited Books of Reference as they think fit: Provided that the Company shall not, without the previous Consent in Writing of the Owner of the Land numbered on the deposited Plans 40 in the Parish of *Chipstable*, take the Buildings on that Land, or any Part thereof.

Powers for compulsory Purchases limited.

20. 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 after the passing of this Act.

Period for Completion of Railway.

21. The Railway by this Act authorized shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Lands for extraordinary Purposes.

22. The Company from Time to Time may purchase by Agreement, in addition to the Lands by this Act authorized to be purchased compulsorily, any Quantity of Land not exceeding Seven Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Power to make Works according to deposited Plans.

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

Lines of Railway and Works authorized by Act.

24. The Lines of Railway and Works by this Act authorized comprise the following Lines of Railway, with all proper and sufficient Sidings, Stations, Buildings, Yards, Bridges, Viaducts, Roads, Approaches, and other Works and Conveniences whatsoever:

A Railway (No. 1) commencing by a Junction with the *Bristol and Exeter* Railway at or near to the Point of Junction of the *West Somerset* Railway with the *Bristol and Exeter* Railway in the Parish of *Norton Fitz Warren* in the County of *Somerset*, and passing through or into *Bishop's Hull*, *Norton Fitz Warren*, *Hill Farrance*, *Oake Heathfield*, *Milverton*, *Wiveliscombe*, and *Chipstable* in the County of *Somerset*, *Clayhanger*, *Bampton*, and *Morebath* in the County of *Devon*, *Brushford* and *Dulverton* in the County of *Somerset*, *East Anstey*, *West Anstey*, *Molland*, *Bishopsnympton*, *Northmolton*, *Southmolton*, *Filleigh*, *Chittlehampton*, *Swimbridge*, *Landkey*, and *Barnstaple* in the County of *Devon*, and terminating in the Parish of *Barnstaple*:

A Railway (No. 2) wholly situate in the Parish of *Norton Fitz Warren* in the County of *Somerset*, commencing by a Junction with the Railway (No. 1), and terminating by a Junction with the *West Somerset* Railway:

Provided that no Part of the Railway in the Parish of *Chipstable* shall be made within Forty Yards of any Part of the Buildings on the Land numbered on the deposited Plans 40 in that Parish, without the previous Consent in Writing of the Owner of that Land.

As to Lands required for the Railway and the Ilfracombe Railway.

25. If a Bill now pending in Parliament for making the *Ilfracombe* Railway pass into a Law in the present Session, the Engineer of the Company, and of the Company to be incorporated by the said Bill, shall determine in what Manner the Railways of the respective Companies, where the same shall be in proximity to each other, and the Works and Stations connected therewith, shall be constructed, and which of the Lands which the Companies respectively may be authorized to acquire shall be appropriated to such Purposes, and as to the Mode in which a Junction shall be made between the Railways of the Two Companies; and in case of Difference between the Engineers upon any of the Matters aforesaid, the Matter so in difference shall be settled by an Arbitrator to be appointed by the Board of Trade upon the Application of either of the Companies, and the Costs of the Arbitration shall be in the Discretion of the Arbitrator.

Gauge of Railway.

26. The Railway shall be made and maintained with Rails of the Broad Gauge exclusively.

Inclination of Roads.

27. In carrying the Roads herein-after specified and mentioned on the deposited Plans, as follows, over, under, or across the Railways, the Company may make those Roads respectively of any Inclination not steeper than as follows; *viz.*,

No. on Plans.	Parish.	Description of Road.	Rate of Inclination.
223	Wiveliscombe - -	Turnpike -	1 in 13
255	Wiveliscombe - -	Public Highway	1 in 8
31	Morebath - - -	Parish Road -	1 in 12
54	Morebath - - -	Turnpike Road -	1 in 20
40	Brushford - - -	Parish Road -	1 in 15
85	Brushford - - -	Parish Road -	1 in 9
13	West Anstey - -	Parish Road -	1 in 12
81	Molland - - -	Parish Road -	1 in 16
3	Swimbridge - -	Parish Road -	1 in 8
99	Landkey - - -	Parish Road -	1 in 14
23	Barnstaple - -	Parish Road -	1 in 17

Bond for Completion of Railway.

28. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years

Years of Her present Majesty, Chapter Twenty, a Sum of Fifty-seven thousand one hundred and forty-two Pounds Seventeen Shillings and Twopence New Three Pounds *per Centum* Annuities, being Eight *per Centum* upon Six hundred and fifty thousand Pounds, the Amount of the Estimate in respect of the Railway by this Act authorized, has been transferred into the Name of the Accountant General of the Court of Chancery with respect to the Application to Parliament for this Act: And whereas, inasmuch as Part of the Undertaking originally proposed is not now authorized by this Act, and the Estimate of the Expense of the Undertaking as by this Act authorized has been reduced to Five hundred thousand Pounds: Therefore, notwithstanding anything in that Act, so much of the said Sum of Fifty-seven thousand one hundred and forty-two Pounds Seventeen Shillings and Twopence New Three Pounds *per Centum* Annuities as was at the Time of the Transfer aforesaid equal to the Sum of Forty thousand Pounds, being Eight *per Centum* on Five hundred thousand Pounds, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of the Bond 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 that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited for the Completion of the Railway, either open the Railway 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 Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half; and if the Period expire before the Company either open the Railway for the public Conveyance of Passengers, or give the Proof to the Satisfaction of the Board of Trade, such Portion of the said New Three Pounds *per Centum* Annuities so transferred as aforesaid as was at the Time of such Transfer equal to the said Sum of Forty thousand Pounds, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then 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: Provided that at any Time after the passing of this Act, if a Bond in double the Amount of the Sum of Forty thousand Pounds be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Forty thousand

Pounds

Pounds if the Company do not, within the Period limited for the Completion of the Railway, either open the Railway 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 Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then such Portion of the said New Three Pounds *per Centum* Annuities so transferred as aforesaid as was equal to the said Sum of Forty thousand Pounds, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons named in the Warrant or Order, or the Survivor or Survivors of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in the like Manner as the said Portion of the said Annuities so transferred as aforesaid, and the Interest or Dividends thereof, would be dealt with under this Act, if the Bond were not so executed and deposited; and the Certificate of that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

Court of Chancery to order Transfer of of surplus Deposit.

29. The Court of Chancery may and shall at any Time after the passing of this Act, on Application by the Company or on their Behalf by Petition, in a summary Way order that so much of the said Sum of Fifty-seven thousand one hundred and forty-two Pounds Seventeen Shillings and Twopence New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Twelve thousand Pounds, and any Dividends thereon, may be transferred and paid to the Company, or to such Person or Persons as the Company may appoint in that Behalf; and upon such Order being made such Portion of the said Sum of Fifty-seven thousand one hundred and forty-two Pounds Seventeen Shillings and Twopence New Three Pounds *per Centum* Annuities as was at the Time of the said Transfer equal to the Sum of Twelve thousand Pounds, and the Dividends thereon, shall be transferred and paid to the Company, or to such Person or Persons as the Company shall appoint.

Tolls.

30. 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

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.

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

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, Sheep, Pig, 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.

Thirdly, in respect of Goods conveyed upon the Railway, or any Part thereof, as follows: Tonnage on Articles of Merchandise.

Class 4. For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, Coals, Culm, Cinders, Cannel, Ironstone, Iron Ore, Limestone, Chalk, Sand, Slag, and Clay (except Fire-clay), *per* Ton *per* Mile One Penny; 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, Fire-clay, and Stone, *per* Ton *per* Mile One Penny; 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.

31. 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:

32. 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 Passengers:

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.

For Animals and Goods.

33. And with respect to the Conveyance of Goods, Carriages, and Animals, the Company may lawfully demand and receive as a maximum Rate of Carriage 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 weighing more

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.

34. 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 Six Miles the Company may demand Tolls and Charges as for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Animals and Merchandise 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; 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 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:

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.

Tolls for small Parcels and single Articles of great Weight.

35. And with respect to small Packages and single Articles of great Weight, be it enacted, That, 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 in Weight, Sevenpence:

For the like Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, 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.

Passengers Luggage.

36. 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.

Company may take increased Charges by Agreement.

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

Restriction as to Charges not to apply to Special Trains.

38. Provided also, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required 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.

Power for Company and Bristol and Exeter Company to enter into Agreements.

39. The Company on the one hand, and the *Bristol and Exeter* Company on the other hand, from Time to Time, if and when they respectively think fit, may enter into and carry into effect all such Agreements and Arrangements with respect to any of the Purposes in that Behalf by this Act authorized, and all Matters incidental and accessory

accessory thereto, as the contracting Companies from Time to Time think fit; and every such Agreement shall be a "Working Agreement" within the Meaning of Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," incorporated with this Act.

Purposes for which the Agreements may be entered into.

40. The Purposes for which Agreements and Arrangements may under this Act be from Time to Time entered into by the Company on the one hand, and the *Bristol and Exeter* Company on the other hand, comprise the following Purposes; (that is to say,)

The Conduct, Regulation, Management, Interchange, Accommodation, and Conveyance by the contracting Companies, or any of them, or otherwise, of all or any of the Traffic on their respective Railways:

The Tolls, Fares, Rates, and Charges, whether through or local, or other Sums of Money, to be paid by the contracting Companies respectively, or any of them, or otherwise, in respect of the User by them respectively, or any of them, or otherwise, of all or any Parts of their respective Railways:

The Apportionment between the contracting Companies of Tolls, Fares, Rates, and Charges, whether through or local, received in respect of Traffic whatsoever passing over their respective Railways, or any of them, or any Parts thereof, respectively.

Railways to be deemed continuous.

41. During the Continuance of any such Agreement Tolls and Charges not exceeding those authorized by this Act may be levied and taken by the Company working the Railway; and in estimating the Tolls and Charges to be paid in respect of Articles or Persons conveyed over any Part of the Railway of the contracting Company, the Distances traversed shall be reckoned continuously on such Railways as if those Railways were One Railway; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway of the Company and partly on the Railway of the other contracting Company, for a less Distance than Six Miles, Tolls and Charges may only be charged as for Six Miles, and for each Mile or Fraction of a Mile beyond Six Miles as for One Mile only for Passengers, and for each Quarter of a Mile or Fraction thereof, as for a Quarter of a Mile, for Animals, Minerals, or Goods, which Tolls and Charges shall be deemed the Short-distance Charge, and no Short-distance Charge, other than such as is herein-before mentioned, shall be made by the Company working the Railway.

Sanction of Shareholders to Agreement.

42. Provided that no such Agreement or Arrangement shall be entered into by the Company, or the *Bristol and Exeter* Company, without in every Case the Sanction or Approval of at least Three Fifths of the Votes of the Shareholders present, in person or by proxy, at an Extraordinary General Meeting of each contracting Company respectively specially convened for the Purpose.

Saving Rights of the Crown.

43. Nothing in this Act contained shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenement, or Hereditament, or any Right, 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 of Her Majesty's Woods and Forests and Land Revenues, or One of them, on behalf of Her Majesty (which Consent they and he are and is by this Act authorized to give), neither shall anything in this Act contained divest, take away, lessen, prejudice, or alter any Estate, Right, Power, Privilege, or Authority vested in or enjoyed or exerciseable by the Queen's most Excellent Majesty, Her Heirs or Successors.

Saving Rights of Bristol and Exeter Company.

44. Except only as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Powers, or Authorities of the *Bristol and Exeter* Company.

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

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

Expenses of Act.

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

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