CHAPTER liii.

An Act for making Railways in the county of Devon, to be called the Exe Valley Railway; and for other purposes. A.D. 1874.

[30th June 1874.]

WHEREAS the construction of the railways by this Act authorised would be of public and local advantage:

And whereas the several persons herein-after named, with others, are willing, at their own expense, to carry the undertaking into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the Company on the one hand, and the Bristol and Exeter Railway Company on the other hand, should be empowered to enter into and carry into effect working and other agreements, as herein-after provided:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Devon, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Exe Valley Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act,

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1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "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," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. The Right Honourable William Reginald, Earl of Devon, Michael Castle, and John Walrond Walrond, and all other persons and corporations who have already subscribed or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Exe Valley Railway Company," and by that name shall be a 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 of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act shall be called the Exe Valley Railway, and are,—

A railway (No. 1) seven miles three furlongs one chain and thirty-seven links in length, commencing in the parish of

Tiverton, in the county of Devon, at the south side of the road or street leading from Tiverton to the place known as Seven Crosses, and terminating in the parish of Thorverton, in the county of Devon, at the south side of the public highway leading from Thorverton to Thorverton Bridge over the river Exe:

A railway (No. 3) one mile six furlongs and nine chains in length, commencing at the termination of railway No. 1, and terminating in the parish of Stoke Canon, in the county of Devon, by a junction with the Bristol and Exeter Railway.

Certain land only to be taken by agreement.

6. Nothing contained in this Act shall enable the Company to enter upon, take, or use for the purposes of this Act, any of the lands in the parish of Tiverton, numbered respectively 112, 120, and 124, otherwise than by agreement.

Capital.

7. The capital of the Company shall be one hundred and thirty thousand pounds, in thirteen thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of 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 a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share, shall

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be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it is issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof, but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

15. The terms and conditions on which any preferred half share or deferred half share, created under this Act, is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

16. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

18. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole forty thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and thirty thousand pounds by this Act authorised is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

22. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

23. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

24. The number of directors shall be three.

Qualification of directors.

25. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

26. The quorum of a meeting of directors shall be two.

First directors.

27. The Right Honourable William Reginald, Earl of Devon, Michael Castle, and John Walrond Walrond shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may

Election of directors.

either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Lands for extraordinary purposes.

28. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed six acres.

Period for compulsory purchase of lands.

29. 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.

Power to cross certain roads on the level.

30. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line, and after-

wards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Number on depositedPlans.	Parish.	Description of Road.
50	Tiverton - - -	Parish road.
42	Rewe - - - -	Ditto ditto.
43	Ditto - - -	Ditto ditto.
32	Netherexe - - -	Parish road.
41	Ditto - - - -	Ditto ditto.

Inclination of roads.

31. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith; (that is to say,)

Number on depositedPlans.	Parish.	Description of Road.	Intended Inclination.
94	Tiverton - -	Turnpike - -	1 in 20 on one side of the bridge.

Width of certain bridges.

32. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; that is to say,

No. on depositedPlans.	Parish.	Description of Road.	Width of Roadway.
94	Tiverton - -	Turnpike road -	30 feet.
76	Bickleigh - -	Parish road -	20 feet.
5	Thorverton -	Ditto - -	20 feet.

Widths of certain roads.

33. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any width not less than that herein-after mentioned in connexion therewith.

No. on depositedPlans.	Parish.	Description of Roadway.	Width of Roadway.
92	Bickleigh - -	Parish road -	15 feet.

Notice to be given of

34. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or

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taking houses of labouring classes.

partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

35. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand one hundred and eighteen pounds, equal to five per centum upon the amount of the estimate in respect of the railways, 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 Act, the said sum of money so deposited as aforesaid in respect of the application for this Act shall not 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 railways, either open the railways 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 authorised 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 railways 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 money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

36. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking

property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid 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.

Period for completion of works.

37. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

38. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,)

Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railways:

For every person conveyed in or upon any carriage, per mile not exceeding for the use of the railway twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny:

Class 1. For every horse, mule, ass, or other beast of draught or burden, except oxen, conveyed in or upon any carriage, per mile not exceeding for the use of the railway twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny;

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Class 2. For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, per mile not exceeding for the use of the railway one penny halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny:

Class 3. For every calf or pig conveyed in or upon any carriage, per mile not exceeding for the use of the railway one halfpenny; and if conveyed in any carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny:

Class 4. For every sheep, lamb, or other small animal conveyed in or upon any carriage, per mile not exceeding for the use of the railway one halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one farthing:

Tolls on goods.

In respect of goods conveyed on the railways:

Class 5. For all coals, coke, culm, charcoal, and cinders, compost, dung, and all sorts of manure, lime and limestone, chalk, and all undressed materials for the repair of roads or highways, and for all stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand, per ton per mile not exceeding for the use of the railway one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one halfpenny:

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, timber, staves, deal, iron and all other metals, cotton and other wools, manufactured goods, and all other wares, merchandise, articles, matters, or things (except as herein-before or herein-after mentioned), per ton per mile not exceeding for the use of the railway threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding three farthings:

Class 7. For all silk, indigo, cinnamon, and other spices, oranges, lemons, and other fruit not dried, eggs, fish, poultry, meat, and all other articles of a perishable or consumable nature, per ton per mile not exceeding for the use of the railway fourpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

Class 8. 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, per mile not exceeding for the use of the railway fourpence; and if any such

carriage be conveyed on a truck or platform belonging to the Company, an additional sum per ton per mile not exceeding one penny halfpenny, and for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh, further tolls not exceeding for the use of the railways one penny, and for the use of any truck or platform provided by the Company, one farthing.

Tolls for propelling power.

39. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

40. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railways for a less distance than four miles the Company may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods 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 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:

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 weight, and so in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

41. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railways as follows:

For any parcel not exceeding seven pounds in weight, threepence;

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For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence;

And for parcels exceeding fifty-six pounds in weight but not exceeding five hundredweight, the Company may demand any sum which they think fit:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:

For the carriage of any one boiler, cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall not exceed eight tons, the Company may demand any sum not exceeding for the use of the railway one shilling per ton per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum per ton per mile not exceeding fourpence; and if drawn or 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 any single 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 think fit.

Maximum rates for passengers.

42. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny per mile.

Maximum rates for animals and goods.

43. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railways, including the tolls for the use of the railways and for waggons or trucks and

locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every animal comprised under Class 1, fourpence per mile:

For every animal comprised under Class 2, threepence halfpenny per mile:

For every animal comprised under Class 3, one penny halfpenny per mile:

For every animal comprised under Class 4, one penny per mile:

For all articles comprised under Class 5, one penny halfpenny per ton per mile:

For all articles comprised under Class 6, threepence per ton per mile:

For all articles comprised under Class 7, fourpence per ton per mile:

For every carriage comprised under Class 8, not weighing more than one ton, not exceeding sixpence per mile; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

44. Every passenger travelling upon the railways may take 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.

Terminal station.

45. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

46. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railways.

Company may take increased charges by agreement.

47. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either

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by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to enter into working agreements with Bristol and Exeter Railway Company.

48. The Company on the one hand, and the Bristol and Exeter Railway Company on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The management, maintenance, working, and using by either of the contracting Companies of the railways, stations, and works of the other of them, or any part thereof:

The regulation, management, transmission, interchange, collection, and delivery of traffic upon or coming from or destined for the railways or stations of the contracting Companies:

The supply and maintenance of engines, stock, and plant, and the employment of officers and servants:

The fixing, collection, payment, division, appropriation, and distribution of the tolls, rates, and other income and profits arising from the railways, stations, and works of the contracting Companies.

Tolls on traffic conveyed partly on the railway and partly on the Bristol and Exeter Railway.

49. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways by the Bristol and Exeter Railway Company, the railways of the two Companies shall for the purposes of tolls and charges be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the Bristol and Exeter Railway for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only, and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods, partly on the railways of the Company and partly on the Bristol and Exeter Railway.

Interest not to be paid on calls paid up.

50. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him

beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bills not to be paid out of capital.

51. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

52. Nothing in this Act contained shall exempt the railways from the provisions of any general Act relating to railways, or 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, authorised by this Act.

Expenses of Act.

53. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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