CHAPTER ccii.

An Act for incorporating the Holsworthy and Bude Railway Company and authorising them to make and maintain the Holsworthy and Bude Railway and for other purposes. A.D. 1883.

[20th August 1883.]

WHEREAS the making and maintaining of a Railway from Holsworthy in the county of Devon to Bude in the county of Cornwall would be of public and local advantage:

And whereas the 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 with adequate powers for the purpose and it is expedient that they be incorporated accordingly and empowered to make and maintain the Railway as by this Act provided:

And whereas it is expedient that the Company on the one hand and the London and South-western Railway Company on the other hand 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 Railway 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 respective Clerks of the Peace for the counties of Devon and Cornwall 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:

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Short title.

1. This Act may be cited as the Holsworthy and Bude Railway Act 1883.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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 Railway 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. Thomas Linnington Ash, William Edgar Saunders and Stuart Shephard and all other persons and corporations who have already subscribed to 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 Railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Holsworthy and Bude 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 railway.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the Railway herein-after described with all proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required

for that purpose. The Railway herein-before referred to and authorised by this Act is situate in the counties of Devon and Cornwall and is—

A railway nine miles three furlongs and two and a half chains in length commencing in the parish of Holsworthy in the county of Devon and in the station premises of the Okehampton and Holsworthy Railway at a point one chain or thereabouts distant from the western extremity of such Railway and terminating at or near Bude in the parish of Stratton in the county of Cornwall in a garden of which Sir Thomas Dyke Acland is the owner or reputed owner and Oliver Davy the occupier.

Capital and number and amount of shares.

6. The capital of the Company shall be one hundred and twenty thousand pounds in twelve thousand shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid up.

7. 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.

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at the 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.

Receipts on behalf of incapacitated persons.

9. 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.

10. 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.

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

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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.

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

12. 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.

13. 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 was 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 on certificates.

14. 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.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment 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 half shares not to be cancelled or surrendered.

16. 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.

17. 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 the 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 are attached and are incident to an entire share.

Power to borrow.

18. The Company may from time to time borrow on mortgage of the undertaking 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 twenty thousand pounds 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.

For appointment of a receiver.

19. The mortgagees of the undertaking 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 three thousand pounds in the whole.

Debenture Stock.

20. 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 and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without regard to the date of the securities or of the Acts

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of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum of directors.

25. The quorum of a meeting of directors shall be three until the number be reduced to three and then the quorum shall be two.

First directors.

26. Thomas Linnington Ash, William Edgar Saunders and Stuart Shephard and two other persons to be nominated by them or the majority of them and consenting to such nomination 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 either continue in office the directors appointed by this Act or nominated as aforesaid 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 or nominated as aforesaid 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 (subject to the power herein-before contained for reducing the number of directors) 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.

Election of directors.

Lands for extraordinary purposes.

27. 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 two acres.

Period for compulsory purchase of lands.

28. 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.

Communication with the London and South-western Railway.

29. The Company shall not take enter upon or use any land belonging to the London and South-western Railway Company herein-after referred to as the South-western Company without the consent in writing of the South-western Company under their common seal first had and obtained and in the construction of the line of Railway of the Company all such junctions communications openings sidings and all other works which may be made for the reception accommodation and delivery of the traffic of the Company on the land of the South-western Company may be made or done and hereafter maintained by the South-western Company at the sole expense of the Company and in constructing any junction between the Railway of the Company and the Railway of the South-western Company provision shall if required by that Company be made for at least one-half-a-mile of a double line of Railway to the westward of the South-western Company's boundary and if at any time hereafter the South-western Company require to move or alter the position of the proposed junction they shall be at liberty to do so and the Company and the South-western Company may from time to time agree as to any alteration which may in the opinion of the South-western Company be necessary of the lines stations and works of the South-western Company so as to adapt the same to the use of the Railway of the Company in connexion with the Railway of the South-western Company.

The South-western Company may erect signals, &c.

30. The South-western Company from time to time may erect such signals works and conveniences incident thereto and appoint and remove such watchmen switchmen or other persons as that Company deem necessary for the prevention of danger to or interference with the traffic at or near the junction between the Railway and the South-western Railway and the working and management of such signals works and conveniences whether on land of the South-western Company or on land of the Company shall be under the exclusive management and regulation of the South-western Company and all the expense of making and maintaining such signals works and conveniences and the wages of such watchmen switchmen and other persons and all incidental current expenses shall be repaid by the Company to the South-western Company as regards the expense of construction and erection at the end of the half year in which the same is incurred and as regards all other expenses and wages at the end of every half year and in default of such repayment the amount of such expenses and wages may be recovered from

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the Company by the South-western Company in any court of competent jurisdiction.

Company not to enter South-western lands, or execute works until plans, &c. are supplied.

31. The Company shall not enter upon or interfere with the South-western Railway or any station work or lands of the South-western Company or execute any work whatsoever under over or affecting the same until there shall have been delivered to the South-western Company by the Company plans drawings and specifications of the works intended to be executed which plans shall describe the manner of executing those works and the materials to be used for the purpose nor until the said plans have been examined and approved in writing by the chief engineer of the South-western Company or in the event of his failing to approve or disapprove the same for one calendar month after the said plans have been delivered to the South-western Company until the same have been examined and approved by an engineer to be appointed failing agreement by the President for the time being of the Institution of Civil Engineers and the said works shall be executed by the Company at their sole expense and shall respectively be subsequently maintained by the Company in all things according to the said plans as approved under the superintendence and to the reasonable satisfaction of the chief engineer of the South-western Company and if and whenever the Company fails to do so after one month's notice in writing for that purpose (or in case of emergency without notice) and for the purposes aforesaid the South-western Company may enter upon lands of the Company and may therein and thereon as well as upon their own lands make do and execute any works which they from time to time may think requisite in that behalf and the sums from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the South-western Company from the Company in any court of competent jurisdiction.

Company to pay expenses of inspectors and watchmen at the junction.

32. The Company shall bear and on demand pay to the South-western Company the expense of the employment by them during the making of the Railway under over and adjacent to the South-western Railway of a sufficient number of inspectors and watchmen to be appointed by them for watching the South-western Railway with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company or of their contractors with reference thereto or otherwise.

Penalty for obstructing South-western traffic.

33. If by reason of any works or proceedings or any act or omission of the Company or their contractors with reference to the Railway there shall be any obstruction of or interference with the South-western Railway so as to prevent or impede the convenient passage of engines and carriages along the same the Company shall pay to the South-western Company the sum of three Pounds by way of ascertained damages for every hour during which such obstruction or interference continues.

Company responsible for damage to South-western Railway.

34. The Company shall from time to time be responsible for and make good to the South-western Company all costs losses damages and expenses from time to time occasioned to the South-western Railway or the traffic thereon or to any station work or lands of the South-western Company or to any person or persons using the same or otherwise by reason of the execution or failure of any of the works of or incidental to the Railway or by any act or omission of the Company or any of the persons in their employ or their contractors or others and the Company shall effectually indemnify and hold harmless the South-western Company from all claims and demands upon or against them by reason of any such execution or failure and of any such act or omission.

Saving rights of the South-western Company.

35. Except 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 South-western Company.

For the protection of the Bude Harbour and Canal Company.

36. Notwithstanding anything contained in this Act it shall not be lawful for the Company to deviate from the line or levels of the Railway between the points marked on the deposited plans four miles seven furlongs and five miles four furlongs if the Bude Harbour and Canal Company herein-after called the Canal Company object thereto but in case of objection the same shall be determined by an engineer appointed for that purpose by the Board of Trade on the application of either Company at the cost in all things of the Company and the Company shall not take or use either temporarily or permanently otherwise than by agreement any of the lands or property belonging to the Canal Company and the bridge by which it is intended that the Railway shall be carried over the canal at or near the point marked on the deposited plans five miles two furlongs and three chains or thereabouts or at any other point at which the Company may be authorised to cross the canal shall be so constructed as to give a clear headway of not less than seven feet above the present level of the tow-path which adjoins the canal at the point of crossing and the said bridge shall be constructed under the supervision of and according to a design to be previously approved

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by the engineer of the Canal Company or in the event of difference to be previously approved by an engineer to be appointed by the Board of Trade and the costs of the said engineers or either of them as the case may require shall be paid by the Company.

Power to take easements, &c. by agreement.

37. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Deposit money not to be repaid except so far as railway is opened.

38. 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 20 a sum of five thousand seven hundred and fifty pounds being five per centum upon one hundred and fifteen thousand pounds the amount of the estimate in respect of the Railway has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the Railway open the same for the public conveyance of passengers provided that if within such period as aforesaid the Company open any portion of the Railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the Railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the Railway so opened bears to the entire length of the Railway the Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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.

39. If the Company do not previously to the expiration of the period limited by this Act for the completion of the Railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 Railway 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the said deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation then the said deposit fund 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 Chancery Division 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 Chancery Division 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 deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon or any portion thereof shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

40. If the Railway is 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 Railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

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Tolls.

41. The Company may demand and take in respect of the use of the Railway any tolls not exceeding the following (that is to say):

In respect of passengers and animals conveyed on the Railway—

Class 1. For every person conveyed in a first class carriage per mile twopence;

Class 2. For every person conveyed in a second class carriage per mile one penny halfpenny;

Class 3. For every person conveyed in a third class carriage per mile one penny;

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile threepence;

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile twopence;

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one penny.

In respect of goods conveyed on the Railway:—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fireclay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways per ton per mile one penny;

Class 8. For all pig iron bar iron ironstone iron ore and all other similar descriptions of iron and heavy iron castings undressed stones for building pitching and paving bricks tiles common slates fireclay charcoal bats copper tin lead and other ores per ton per mile twopence;

Class 9. For all sugar grain corn flour potatoes guano and artificial manures hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop-iron sheet-iron light iron castings and chains per ton per mile twopence;

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence.

In respect of carriages conveyed on the Railway—

Class 11. 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 belonging to the Company per mile sixpence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny halfpenny per mile in addition.

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Tolls for carriages.

42. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods articles matters or things persons or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit)—

For Class 1 for each person per mile one penny;
For Class 2 for each person per mile three farthings;
For Class 3 for each person per mile one halfpenny;
For Class 4 for each animal per mile one penny;
For Class 5 for each animal per mile one penny;
For Class 6 for each animal per mile one halfpenny;
For Class 7 per ton per mile one penny;
For Class 8 per ton per mile one halfpenny;
For Class 9 per ton per mile one penny;
For Class 10 per ton per mile one penny;
For Class 11 for each carriage per mile twopence.

Tolls for propelling power.

43. The tolls which the Company may demand for the use of engines for propelling carriages on the Railway 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.

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

Short distances.

For all passengers animals or goods conveyed on the Railway for a less distance than three miles the Company may demand tolls and charges as for three miles;

Fractional parts of a mile.

For a fraction of a mile beyond three 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 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;

Fractional parts of a ton.

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;

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight;

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Weight of stone and timber.

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 articles of great weight.

45. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in 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 Railway:

For any parcel not exceeding seven pounds in weight threepence;

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

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

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

For any parcel exceeding fifty-six and 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 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 any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence a ton a mile;

For the carriage of any single thing the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

46. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the Railway including the tolls for the use of the Railway 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.

47. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the Railway including the tolls for the use of the Railway 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 of 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):—

Class 4. For each animal fourpence per mile;

Class 5. For each animal threepence per mile;

Class 6. For each animal one penny per mile;

Class 7. One penny halfpenny per ton per mile;

Class 8. Twopence per ton per mile;

Class 9. Threepence per ton per mile except for guano and artificial manures and for guano and artificial manures per ton per mile twopence halfpenny;

Class 10. Fourpence per ton per mile;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton sixpence and one penny halfpenny for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Passengers luggage.

48. Every passenger travelling upon the Railway 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.

49. No station shall be considered a terminal station in regard to any goods conveyed on the Railway 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.

50. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the Railway 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 Railway.

Company may take increased

51. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited

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charges by agreement.

for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to Company to charge for warehousing goods, &c.

52. The Company in addition to any other tolls rates or charges which they can lawfully demand and recover may demand and recover a reasonable sum for the warehousing and for the wharfage of goods when delivered into or placed upon the yards or sidings belonging to and in the occupation of the Company (after due notice to the consignee and allowing a reasonable time for removal) but nothing herein contained shall extend or apply to sand lime limestone coal cannel culm slack coke or cinder traffic where such traffic is delivered into the yards or sidings owned or rented by the consignor or consignee but where such sand lime limestone coal cannel culm slack coke or cinder traffic is wharfed upon sidings or yards belonging to or in the occupation of the Company the Company may charge a sum for the use of such siding or yard not exceeding threepence per ton in respect thereof and if the said traffic shall remain on the said siding or yard for a longer period than four days (Sundays Good Friday Christmas Day and Bank holidays excepted) the Company may after due notice to the consignee and allowing one clear day for removal charge a further reasonable sum in respect thereof.

Power to enter into working agreements with the South-western Company.

53. The Company on the one hand and the South-western 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 maintenance and management of the Railway or of any part thereof and of the works connected therewith respectively or any of them;

The use or working of the Railway or of any part thereof and the conveyance of traffic thereon;

The interchange accommodation conveyance and delivery of traffic coming from or destined for the undertakings of the contracting Companies or either of them;

The fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic.

Tolls on traffic conveyed

54. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the

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Railway by the South-western Company the Railways of the Company and of the South-western Company or either of them shall for the purposes of short distance 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 Railway and partly on the South-western Railway for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three 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 three 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 Railway and partly on the South-western Railway.

partly on the railway and partly on the South-western Railway.

55. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the Railway of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the Railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the Railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

Classification table to be open to inspection, and copies to be sold.

Terminal charges (if any) to be specified on application.

Penalty.

56. 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

Interest not to be paid on calls paid up.

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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.

57. 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.

Provisions as to general railway Acts.

58. Nothing in this Act shall exempt the Company and the Railway 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 any Act relating to the Company.

Costs of Act.

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

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