CHAPTER clxxxvii.

An Act for conferring further powers on the Plymouth and Dartmoor Railway Company for the construction of works the raising of money and otherwise in relation to their undertaking and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS by the Plymouth and Dartmoor Railway (Plymouth Extensions) Act 1875 (in this Act called "the Act of 1875") the Plymouth and Dartmoor Railway Company (in this Act called "the Company") were empowered to make and maintain the railways thereby authorised (in that Act and this Act called "the Plymouth Extensions") and to raise for the purposes thereof a separate share and loan capital and the time limited for the completion of the Plymouth Extensions was four years from the passing of the Act of 1875: 38 & 39 Vict. c. cliv.

And whereas the Company have completed and opened for traffic the Plymouth Extensions and the same are now worked by the London and South-western Railway Company in pursuance of the powers in that behalf of the Act of 1875:

And whereas the Company are desirous and it is expedient that they be authorised to make and maintain the railways quay embankment and piers by this Act authorised and to raise for the purposes thereof a separate share and loan capital:

And whereas the Plymouth Extensions were not completed and opened for public traffic within the time in that behalf limited by the Act of 1875 and by reason thereof the Company have been unable to obtain the return of the money deposited with the Paymaster-General on behalf of the Court of Chaucery in England in respect of the application to Parliament for that Act but inasmuch as the Plymouth Extensions are now open for public traffic it is expedient that such provisions as are herein-after contained for the repayment of such deposit be made:

And whereas plans and sections showing the lines and levels of the railways and works by this Act authorised and also books of

A.D. 1882.

reference to the plans 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 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 be cited for all purposes as the Plymouth and Dartmoor Railway Act 1882.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. — The Lands Clauses Consolidation Acts 1845 1860 and 1869;

32 & 33 Vict. c. 18. — The Railways Clauses Consolidation Act 1845;

8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. — Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863;

10 & 11 Vict. c. 27. — The Harbours Docks and Piers Clauses Act 1847;

8 & 9 Vict. c. 16. — The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The giving of notices:

The provision to be made for affording access to the special Act by all parties interested;

26 & 27 Vict. c. 118. — And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) and Part III.

(relating to debenture stock) of the Companies Clauses Act 1863;

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to providing a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

Interpretation of the words "work" and "railway" in 26 & 27 Vict. c. 92.

3. In construing in connexion with this Act Part I. of the Railways Clauses Act 1863 the words "work" and "railway" shall be taken to mean the quay and embankment and piers and other works connected therewith as well as the railways and in construing in connexion with this Act the Harbours Docks and Piers Clauses Act 1847 the expression "the harbour dock or pier" shall mean the quay and embankment and piers and the works connected therewith by this Act authorised and the expression "the harbour master" shall mean the quay master or pier master appointed by the Company in pursuance of this Act.

Interpretation.

4. 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 railway" or "the railways" means the railways by this Act authorised;

The expressions "the quay" "the piers" mean the quay and embankment and piers and works connected therewith respectively by this Act authorised;

The expressions "the extensions" "the undertaking" mean respectively the railways quay and piers and the separate undertaking by this Act authorised;

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.

Power to make railways and works.

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 railways quay embankment piers and works herein-after described and may enter upon take and use such of the lands delineated upon the said plans and described in the deposited books of reference as may be required for the purpose. The railways quay embankment piers and works

A.D. 1882.

herein-before referred to and authorised by this Act are wholly situate in the county of Devon and are:

A railway described on the deposited plans as Railway No. 4 1 furlong 3 chains and 50 links in length commencing in the parish of Charles otherwise Charles-the-Martyr Plymouth in the county of Devon by a junction with the existing railway of the Company near Cattedown Quarry seven and a half chains or thereabouts from and to the north-eastward of the front wall of the public house at Cattedown known as the Passage House Inn and terminating in the same parish or in the extra-parochial place of the Cattewater on the foreshore of the Cattewater five and a half chains or thereabouts from and to the south-westward of the said Passage House Inn;

A railway described on the deposited plans as Railway No. 5 4 furlongs 7 chains and 50 links in length commencing in the said parish of Charles otherwise Charles-the-Martyr Plymouth by a junction with the existing railway of the Company at the termination thereof on the quay belonging or reputed to belong to the trustees of the late Benjamin Sparrow at Cattedown and terminating in the same parish in the shipwright's yard belonging to Chapell William Hodge and Gage John Hodge and in the occupation of the representatives of Joseph Banks deceased at or near the south-eastern end of the graving dock;

A quay and embankment in the parish of Charles otherwise Charles-the-Martyr Plymouth and the extra-parochial place of the Cattewater or one of them in the county of Devon commencing at the south-west corner of the quay at Cattedown situate to the eastward of Hill's shipwright's yard then proceeding in a southerly direction for a distance of twenty yards or thereabouts then bending eastwards and running in an easterly and a north-easterly direction for a distance of one hundred and thirty-five yards or thereabouts then turning northwards at a right angle and running in a north-westerly direction for a distance of seventy yards or thereabouts to and terminating at or near the top of the slipway or landing-place immediately in front of the before-mentioned public house called the Passage House Inn;

A pier No. 1 commencing in the said parish of Charles otherwise Charles-the-Martyr Plymouth on the foreshore at Cattedown at a point three chains or thereabouts from and to the southwards of the southern boundary of the Tar Works and running seawards in a south-westerly direction for a distance of and

terminating at a point eighty-five yards or thereabouts from the point of commencement;

A pier No. 2 commencing in the said parish of Charles otherwise Charles-the-Martyr Plymouth on the foreshore of Deadman's Bay at a point one chain or thereabouts from and to the north-westward of the western end of the northern boundary wall of Harvey's Cement Works and running seawards in a south-westerly direction for a distance of and terminating at a point ten chains or thereabouts from the point of commencement;

All necessary and proper stations sidings junctions shipping places quays wharves landing places stages staithes drops slips stairs walls warehouses sheds cranes hydraulic lifts dolphins buoys roads approaches communications tramways and other works and conveniences in connexion with the said railways quay embankment and piers or any or either of them;

And the railways shall with respect to tolls rates and charges be part of the undertaking of the Company and the Company may demand and take in respect of the railways a like amount of tolls rates fares and charges as they would have been entitled to demand and take if the same had formed part of the railway vested in the Company by the Plymouth and Dartmoor Railway Act 1865. 28 & 29 Vict. c. cxxxi.

Lands for extra-ordinary purposes.

6. 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.

7. 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 take easements, &c. by agreement.

8. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or re-lease 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.

Owners may be required to sell parts only of cer-

9. And whereas in the construction of the works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands buildings or manufactories

A.D. 1882.

tain lands and buildings.

shown on the deposited plans may be sufficient for the purposes of the same works respectively and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands buildings or manufactories described in Schedule (F) to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainders of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Deviation.

10. The Company may in constructing the works by this Act authorised deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and may deviate vertically from the levels of those works as shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards Provided that no deviation of any works authorised by this Act within the limits of deviation in which any public navigable tidal river or channel is included shall be made from the lines thereof as marked on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Power to dredge near quay &c.

11. The Company may from time to time dredge cleanse scour deepen improve and alter the beds shores and channels of the Cattewater and Deadman's Bay respectively for the purpose of affording an uninterrupted means of access to the quay and piers respectively and the Company may use and appropriate for the purposes of the undertaking the soil and material from time to time dredged by them.

Gauge of railways.

12. The railways shall be made and maintained on the gauge of four feet eight inches and half an inch.

No works to be constructed

13. Notwithstanding anything in this Act contained it shall not be lawful for the Company to construct any portion of the

undertaking on the foreshore in the Cattewater below high-water mark at ordinary spring tides except with the previous consent in writing of the Lords Commissioners of the Admiralty and according to plans and sections to be submitted to and approved by the said Lords Commissioners before any of the works are begun.

below high-water mark without consent of Admiralty.

14. Notwithstanding any limits of deviation or otherwise shown on the deposited plans no part of the railways quays embankments or piers or works connected therewith respectively as authorised by this Act shall unless with the previous consent of the Cattewater Commissioners under their common seal be constructed so as to extend into the Cattewater as defined by the Cattewater Harbour Order 1874 except within the lines and to the extent defined by lines coloured red on the plan dated the twenty-fourth day of April one thousand eight hundred and eighty-two and signed in duplicate by Messieurs Galbraith and Church the engineers of the Company and Samuel Cater the clerk to the said Commissioners one part of which plan is in the custody of the Company and the other part thereof in the custody of the said Commissioners And that notwithstanding anything in this Act contained the Company their servants or agents shall not have jurisdiction over any part of the said Cattewater Harbour or the regulation thereof or of the vessels therein.

Restriction on deviation into the Cattewater.

15. After the opening of the railway for public traffic the Company or the company for the time being working the railway shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served thereby In case any difference shall arise between the Company and any other company or companies for the time being working the railway or between the Company and any of the holders of extension shares issued under the powers of this Act with respect to the working or non-working or insufficient working of the railway or otherwise in relation thereto such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company or the company or companies for the time being working the railway to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just In case the Company or the company or companies for the time being working the railway make default in complying with any of the requirements of any such order within the time thereby prescribed then and in every such case the company so making default shall for every such default be liable to a penalty not exceeding fifty pounds and to a

Extensions to be worked in an efficient manner.

A.D. 1882.

further penalty not exceeding fifty pounds for every day (after the first) during which such default shall continue.

Limiting time for completion of railways and works.

16. The railways shall be completed within five and the quay and piers within seven years from the passing of this Act and on the expiration of those respective periods the powers by this Act granted to the Company for making and completing the railways quay and piers respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof respectively as is then completed.

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

17. 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 five thousand three hundred and sixty-one pounds and eightpence New Three Pounds per Centum Annuities being equal in value to five per centum upon the amount of the estimate in respect of the railways and four per centum upon the amount of the estimate in respect of the quay originally proposed to be authorised by the Bill for this Act 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 and whereas certain of the railways originally proposed are not now authorised and the amount of the estimate of expense of the railway is fourteen thousand pounds five per centum upon which is seven hundred pounds (which sum is in this Act referred to 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 Chancery Division 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.

18. If the Company do not previously to the expiration of the period limited 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has 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 is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the 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 shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Court of Chancery may order repayment of surplus of

19. The Chancery Division of the High Court of Justice 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 the sum of four thousand six hundred and sixty-one

A.D. 1882.

deposit money.

pounds and eightpence New Three Pounds per Centum Annuities being the residue of the said sum of five thousand three hundred and sixty-one pounds and eightpence New Three Pounds per Centum Annuities deposited in respect of the application to Parliament for this Act as aforesaid and the interest or dividends thereon may be paid or transferred to the Company or to such person or persons as the Company may appoint in that behalf and upon such order being made the said sum of four thousand six hundred and sixty-one pounds and eightpence New Three Pounds per Centum Annuities and the interest or dividends thereon shall be paid or transferred to the Company or to such person or persons as the Company shall appoint.

Officers of customs to have free access to works without payment of toll.

20. All officers of customs being in the execution of their duty shall have free access to the quay and piers at all times without payment of any toll or sum.

Power to appoint quay master &c. meters and weighers.

21. The Company may appoint a quay master or pier master and may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which quay master &c. may exercise his authority.

22. The limits within which the powers of the quay master or pier master for the regulation of the quay and piers shall be exercised shall be the works and premises of the Company and a distance of fifty yards in all directions seawards from the quay and piers respectively which limits are herein-after referred to as the "quay and pier limits."

Byelaws as to disposal of ballast.

23. In order to prevent ballast from being thrown or allowed to fall overboard within the quay and pier limits the Company may from time to time make alter and repeal such byelaws as they think fit for regulating the removal and disposal within those limits of all ballast brought by vessels entering and for regulating the mode of supply of ballast to vessels within those limits and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to byelaws shall extend and apply to any byelaw which may be made under this enactment and the word "ballast" in this Act includes all substances used as ballast Provided that no such byelaws shall be of any force or effect unless and until the same shall have been submitted to and approved by the Board of Trade.

Ballast to be brought to side of vessels and thrown in immediately.

24. All ballast supplied to any vessel in the quay and pier limits unless the vessel lies at the quay or at either of the piers shall be brought in a proper and sufficient ballast lighter to the side of the vessel and thence immediately thrown into the vessel by the crew or other persons and every person offending againt this enactment

shall for every such offence forfeit not exceeding five pounds and the expression "ballast lighter" in this Act includes all vessels used for receiving or conveying ballast.

Penalty for improperly discharging or taking up ballast.

25. If any master of any ballast lighter employed to receive or take ballast for any vessel or to remove or discharge any ballast or to take up or dredge for ballast within the quay and pier limits discharge or deposit the ballast or take up any ballast in or from any other part of those limits than the part thereof which the quay master or pier master from time to time directs he shall for every such offence forfeit not exceeding five pounds.

Penalty for casting ballast without a portsail.

26. If any person cast or unload into or out of any vessel in the quay and pier limits or if any person having the command of any vessel in the quay and pier limits knowingly permits to be cast or unloaded into or out of the vessel any ballast and the respective person have not a wooden stage or portsail sufficiently large and properly fastened to such vessel (during the whole time of such casting or unloading) into or out of which the ballast is to be cast or unloaded to the upper edge or highest part of the quay or pier or to the other vessel into from or upon which the ballast is to be cast or unloaded and so as to prevent any ballast from falling into the quay and pier limits he shall for every such offence forfeit not exceeding forty shillings over and above the cost of removing the ballast from such limits.

Occupiers of wharves not to allow ballast to remain near edge of wharf.

27. If any owner tenant or occupier of any wharf or quay or land adjoining to the quay or either of the piers permits any ballast placed thereon after it is placed thereon and the apparatus used in placing it is removed to be on and within three yards of the edge of the wharf or quay or land next to the quay or pier or permits any ballast to be placed on or so near to any watercourse upon or adjoining to the wharf or quay or land as that the ballast or any part thereof is or may be washed into the quay and pier limits to the prejudice thereof he shall for every such offence forfeit not exceeding forty shillings.

Company may remove ballast.

28. If any owner tenant or occupier of any wharf quay or other land adjoining to the quay or to either of the piers whereon any ballast is placed contrary to the provisions of this Act fail to remove it from the wharf quay or land within twenty-four hours after notice in writing from the Company to remove it the Company may remove all or any part of it to such places as they think fit and the charges of removing it shall and in addition to the penalty by this Act imposed on the respective person be paid by him and be recoverable as a penalty.

A.D. 1882.

Ballast *not* to be cast into quay or pier limits.

29. If any officer of the Company or other person under any pretence save in the execution of works hereby authorised cast or unload any ballast into the quay and pier limits he shall for any such offence forfeit not exceeding five pounds.

Company may dispose of ballast.

30. The Company may use or sell or dispose of in such manner as they think proper all ballast removed by them from the quay and pier limits under this Act.

Rates on goods specified in Schedule A.

31. The Company may demand and take for and in respect of all goods whatsoever which shall be landed on or shipped from the quay or either of the piers respectively the several rates specified in Schedule (A) to this Act.

Rates on vessels coming within the quay limits.

32. The Company may demand and take for any and every vessel using the quay or either of the piers respectively the several dues respectively specified in Schedule (B) to this Act.

Rates to be charged for use of cranes and weighing machines.

33. The Company may for the use of their stores sheds cranes weighing and measuring machines for the time being and for any services rendered by the Company in reference to the embarking or disembarking shipping or unshipping of any animal article or thing on or from the quay piers or works or lands of the Company demand of and from the owner or person having the charge of any goods articles or things deposited in such stores or sheds or loaded or unloaded weighed or measured by means of such cranes weighing and measuring machines or for whom or for whose benefit any such services are rendered the several rates respectively specified in Schedule (C) to this Act.

Rates for fish landed or shipped from the quay.

34. The Company may demand and take for all fish landed on or shipped from the quay or either of the piers respectively the several rates specified in Schedule (D) to this Act.

Rates payable by passengers.

35. The Company may from time to time demand and take in respect of the quay or either of the piers for all passengers and passengers' luggage animals articles or things the several sums specified in Schedule (E) to this Act.

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

36. 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 railways 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.

Terminal charges if any to be specified on application.

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 railways 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 railways 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 section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Power to Company to raise additional capital.

37. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise any additional capital not exceeding in the whole sixty thousand pounds for the purposes of the extensions and all new shares to be created under this Act are herein-after comprised under the name of the extension shares.

Shares not to be issued until one fifth part is paid thereon.

38. The Company shall not issue any share created under the authority of this Act of less nominal amount than ten pounds 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.

39. 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.

Receipt clause in case of persons not sui juris.

40. 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.

41. 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 the capital by this Act authorised to be raised 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

A.D. 1882.

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.

42. 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 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.

43. 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.

44. 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.

45. 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.

46. 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 shares not to be cancelled or surrendered.

47. 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.

48. 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.

Application of divisible profits of extensions.

49. The profits of the extensions applicable to dividend from time to time shall be applied in the first instance in payment of dividend on the extension shares until a dividend of such amount (not exceeding five per centum per annum) as the Company with the sanction of three fifths of the votes of the shareholders present personally or by proxy at any extraordinary meeting convened with notice of this purpose shall once for all attach to those shares shall have been paid on the total amount from time to time paid up on those shares and (subject thereto and also subject to payment of dividend on such (if any) additional capital for any purposes of or in connexion with the extensions as Parliament may herein-after sanction) the residue of those profits shall fall into and become part of the general profits of the Company.

Extension shares not to participate in general profits.

50. The holders of extension shares shall not in respect thereof have or be entitled to any interest or dividend out of any profits of the Company except the profits of the extensions.

For ascertaining divisible profits.

51. The Company shall keep separate accounts of all receipts and payments from for or on account of the extensions and the balance of the gross receipts of the extensions which shall remain after deducting for expenses of working and management such a proportion (not exceeding fifty per centum per annum) of such gross receipts as shall be determined by any meeting of the Company before the issue of any extension shares and also after

A.D. 1882.

deducting all interest on debenture stock or borrowed money for the time being secured or attaching upon the extensions and all rates rents and taxes payable on or in respect of the extensions shall for the purposes of this Act be deemed the profits of the extensions applicable to dividend and all the certificates of extension shares shall be endorsed with notice of the provisions of this section.

Power to borrow.

52. The Company may from time to time borrow on mortgage for the purposes of the extensions on the sole security of that undertaking and the profits as aforesaid arising therefrom any sum not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until shares for the whole of the said additional capital are issued and accepted and one half of such capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital 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 or 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 his certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

53. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver of the extensions and the tolls and charges arising therefrom 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 two thousand pounds in the whole.

Rights of mortgagees.

54. The mortgages and debenture stock from time to time granted or created and issued by the Company under this Act shall only comprise and affect the undertaking upon which the same are charged and the mortgages and debenture stock granted or created and issued or to be granted or created and issued by the Company

under any Act other than this Act shall not comprise or affect the extensions undertaking. A.D. 1882.

Power to create debenture stock.

55. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and such debenture stock with the interest thereon shall be exclusively charged upon the extensions undertaking but notwithstanding anything in the said Act contained the interest of all debenture stock and of all mortgages charged upon the extensions undertaking at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages and every mortgage deed granted and all certificates of debenture stock issued by the Company under this Act shall be endorsed with notice of the provisions of this section.

Application of moneys.

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

Providing for release of deposit under Act of 1875.

57. The Chancery Division of the High Court of Justice may and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order mentioned in the thirty-seventh section of the Act of 1875 or the survivors or survivor of them by petition in a summary way order that the sum of nine hundred pounds mentioned in the said thirty-seventh section of the Act of 1875 or the stocks funds or securities in which the same may have been invested and the interest or dividends thereon may be paid or transferred to the person or persons so applying or to any other person or persons whom they or he may appoint in that behalf and upon such order being made the said sum of nine hundred pounds or such stocks funds or securities as aforesaid and the interest or dividends thereon shall be paid or transferred to such person or persons accordingly.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

58. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to

A.D. 1882.

take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

Saving rights of the Crown in the foreshore.

59. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of the Duchy of Cornwall.

60. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said Duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section thirty-nine to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

26 & 27 Vict. c. 49.

Saving rights of Plymouth Embankment Company.

42 Geo. 3. c. 32.

61. Except as is by this Act otherwise specially provided nothing in this Act contained shall prejudice lessen or defeat any estate right title or interest of the Company of Proprietors for embanking part of the Laira near Plymouth acting under the three several Acts of Parliament one passed in the forty-second year of the reign of His late Majesty King George the Third intituled "An Act to enable His Majesty to grant certain parcels of land situate between

" Great Prince Rock and the village of Crabtree called 'Tothill Bay' " and 'Lipson Bay' near to the borough of Plymouth in the " county of Devon to certain persons therein named for the purpose " of embanking and preserving the same from the sea" another passed in the forty-third year of the same King intituled "An Act " to enable the Company of Proprietors for embanking part of the " Laira near Plymouth to make and maintain a road from a certain " place called 'Efford Quay' in the parish of Egg Buckland in the " county of Devon to the borough of Plymouth" and the other passed in the fifth year of the reign of His late Majesty King George the Fourth intituled "An Act for the further extending the Powers " of the Company of Proprietors for embanking part of the Laira " near Plymouth" and the said company shall and may from time to time and at all times hereafter hold and enjoy all lands tolls profits estates rights interests and privileges in as full ample and beneficial a manner to all intents and purposes as they have held and enjoyed the same before the passing of this Act.

43 Geo. 3. c. xv.

5 Geo. 4. c. xxvi.

Interest not to be paid on calls paid up.

62. The Company shall not out of any money by this Act or any Act relating to the Company 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.

63. The Company shall not out of any money by this Act or any Act relating to the Company 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 for Merchant Shipping Act and general Acts.

17 & 18 Vict. c. 104.

64. Nothing in this Act contained shall exempt the quay or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the quay rates or duties by this Act authorised.

Provision as to general Railway Acts.

65. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of

A.D. 1882.

railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels by any Act relating to the Company authorised.

Costs of Act.

66. 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.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A).

Rates upon Goods landed on and shipped from the Quay or either of the Piers.

		s.	*d.*
For flour meal beans peas and potatoes -	per sack or barrel	0	1
For wheat malt barley oats and India corn - -	per quarter	0	0½
For ale beer cider and porter - - -	per hogshead	0	1
For wine and spirits - - - - -	per hogshead	0	3
For stone sand lime and dung - - -	per ton	0	2
For hay and wood - - - - -	per ton	0	6
For coals coke culm or cinder - - -	per ton	0	3
For earthenware - - - - -	per crate	0	3
For staves single pipe - - - -	per thousand	1	6
Ditto hogshead - - - -	per thousand	1	0
Ditto barrel - - - -	per thousand	0	9
For bricks and tiles - - - -	per thousand	0	6
For every load of hoops containing forty bundles -	- -	0	4
For clay China or manufactured - - -	per ton	0	3
For timber - - - - - -	per load	0	3
For deals - - - - - -	per hundred	0	6
For deal ends - - - - -	per hundred	0	3
For every bale box or basket containing goods not enumerated in schedule - - - - - -	-	0	1
For every hogshead packed with goods not enumerated in schedule -		0	3
For every ton of goods not above enumerated -	-	0	3

SCHEDULE (B).

Rates on Vessels landing and embarking Passengers or Goods at the Quay or either of the Piers.

		£	*s.*	*d.*
For all vessels from or to foreign parts -	per register ton	0	0	4
For all vessels employed in the coasting trade or to or from Ireland if above fifty tons - - - -	per register ton	0	0	2
If under fifty tons - - -	per register ton	0	0	1

A.D. 1882.

		£	s.	d.
For all vessels employed in fishing exceeding twenty tons	per annum	1	1	0
Exceeding ten tons and not of twenty tons	per annum	0	10	0
Under ten tons - - - -	per annum	0	5	0
Under five tons - - - -	per annum	0	2	6
For all barges lighters and other craft if above twenty tons - - - - -	per annum	1	0	0
If under twenty tons - - -	per annum	0	16	0
And in addition for the use of the mooring chains:—				
For every vessel under 200 tons - -	per week	0	3	0
Above 200 tons and under 250 - -	per week	0	4	0
Above 250 tons - - - -	per week	0	5	0

SCHEDULE (C).

Rates for Cranes and Weighing Machines.

		s.	d.
For all dry goods in quantities not exceeding 10 tons -	per ton	0	8
For all dry goods in quantities exceeding 10 tons - -	per ton	0	6
For wines spirits and other liquids not exceeding 10 tuns -	per tun	1	0
For wines spirits and other liquids exceeding 10 tuns -	per tun	0	8
For any single article in lieu of the above dues—			
Exceeding 1½ tons and not exceeding 2 tons - -	per ton	1	0
Exceeding 2 tons and not exceeding 2½ tons - -	per ton	1	6
Exceeding 2½ tons and not exceeding 3 tons - -	per ton	2	0
Exceeding 3 tons and not exceeding 3½ tons - -	per ton	2	6

A proportional payment to be made for any fractional part of a ton.

Exceeding 3½ tons a special agreement must be made with the Quay Master or Pier Master.

SCHEDULE (D).

Rates on Fish landed on or shipped from the Quay or either of the Piers.

		s.	d.
Fish dry salted in bulk - - - - -	per ton	1	0
Ditto in barrels or other packages	per barrel or package	0	1
Fresh fish—			
Herrings loose - - - - -	per 1200	0	1½
Herrings in barrels or other packages	per barrel or package	0	0½
Pilchards loose - - - - -	per 1200	0	1¼

		s.	d.
Pilchards in barrels or other packages	per barrel or package	0	0½
Mackerel loose	per 120	0	1
Mackerel in pads or other packages	per pad or package	0	0½
Fish other sorts not otherwise enumerated loose	per cwt.	0	1
Ditto ditto ditto in maunds or other packages	per maund or package	0	1
Fish shell such as lobsters crabs crawfish &c. &c.	per 20	0	1
Ditto ditto in boxes or other packages	per box or package	0	1
Ditto such as oysters	per 120	0	1

SCHEDULE (E).

Rates for Passengers Animals &c. landing or embarking from the Quay or either of the Piers.

	s.	d.
For every passenger or other person who shall land on the quay or either of the piers or embark therefrom on board of any ship vessel packet or passage boat for each and every time any sum not exceeding	0	2
For every horse that shall be landed on or embarked therefrom	1	6
If craned for each and every time the additional sum of	0	6
For every bull cow or ox which shall be landed or embarked therefrom for each and every time	1	6
If craned for each and every time the additional sum of	0	4
For every pig sheep lamb goat or dog which shall be landed on or embarked therefrom for each and every time	0	2
For every pony or mule which shall be landed on or embarked therefrom for each and every time	1	0
If craned for each and every time the additional sum of	0	3
For every ass or calf which shall be landed on or embarked therefrom for each and every time	0	3
For every four-wheeled carriage which shall be landed or embarked therefrom for each and every time	4	0
If craned for each and every time the additional sum of	1	0
For every two-wheeled carriage which shall be landed on or embarked therefrom for each and every time	2	6
If craned for each and every time the additional sum of	1	0
For every trunk portmanteau box parcel or package within the description of luggage not exceeding 28 lbs.	0	1
For each 28 lbs. in addition	0	0½
For every person who shall use the quay or either of the piers for the purpose of walking for exercise pleasure or otherwise- per day	0	1

A.D. 1882.

SCHEDULE (F).

Lands and Buildings of which portions only may be required.

Parish.	Nos. on deposited Plans.
Railway No. 5.	
Charles otherwise Charles-the-Martyr -	8, 20, 22

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.