ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. civ.

An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway from *Bideford* to *Great Torrington*, and for other Purposes. [19th *June* 1865.]

WHEREAS the making and maintaining of a Railway from the *Bideford* Extension Railway of the *London and South-western* Railway Company (in this Act called "the Company") to *Great Torrington* would be of local and public Advantage: And whereas the Company are willing at their own Expense to carry the Undertaking into execution: And whereas it is expedient that the Company be authorized to raise Monies for the Purposes of this Act: And whereas Plans and Sections of the intended Railway showing the Line and Levels thereof, and the Lands in which the Railway is intended to be made, and Books of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Devon*, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas the Objects of this Act cannot be attained without the Authority of

Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "*South-western* (*North Devon*) Railway Act, 1865."

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

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

Part of 8 & 9 Vict. c. 16. incorporated.

3. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

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

With respect to the Transfer or Transmission of Shares:

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls:

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

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

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

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

With respect to the Consolidation of Shares into Stock:

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

Interpretation of Terms.

4. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith, the Term "Superior Courts" includes any Court of competent Jurisdiction as in this Act defined; and in this Act the Expression "Court of competent Jurisdiction," or any other like Expression, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Words "Shares" and "Shareholders" include when requisite "Stock" and "Stockholders."

Same Meanings to Words in in-

5. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have

have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Incorporated Acts as in this Act.

6. The Company from Time to Time, with the Sanction of at least Three Fifths of the Votes of the Shareholders present in person or by proxy at an Extraordinary General Meeting of the Company specially convened for the Purpose, may raise for the Purposes of this Act by the Creation and Issue of new Shares or new Stock, whether ordinary or preferential, or both, any Sums not exceeding in the whole Eighty thousand Pounds, and in addition to, and as Part of, the Capital of the Company which they are now authorized to raise by Shares or Stock.

Power to raise additional Capital by new Shares or Stock.

7. No Share shall be issued by the Company, or shall vest in the Person accepting the same, unless and until not less than Twenty *per Centum* on the Amount of such Share shall have been paid up in respect thereof.

Shares not to issue until One Fifth paid up.

8. Provided, That any Preference or Priority in Payment of Dividend which the Company from Time to Time grant in respect of any new Shares or new Stock under this Act shall not prejudice any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock theretofore granted by the Company in pursuance of or confirmed by this Act or any Act of Parliament passed before the passing of this Act, or which is then otherwise lawfully subsisting.

Saving for existing preferential Shares or Stock.

9. The Provisions of Sections 49 to 70 (both inclusive) of "The *South-western* Railway (Additional Powers) Act, 1862," with respect to Preferential Shares and Stock, and the Cancellation of Shares and Stock, and the Issue of new Shares or Stock instead of cancelled Shares or Stock, and with respect to voting for Shares or Portions of Stock, and otherwise respecting Shares and Stock, extend to this Act with respect to the Company, and the Shares and Stock which by this Act they are authorized to create and issue.

Provisions of 25 & 26 Vict. c. xlii., as to Shares and Stock, apply to Shares and Stock under this Act.

10. The Provisions of Sections 99 to 105 (both inclusive) of "The *South-western* Railway (Works and Capital) Act, 1858," and of Sections 71 to 79 (both inclusive) of "The *South-western* Railway (Additional Powers) Act, 1862," and of Section 115 of "The *South-western* Railway Act, 1863," with respect to Debenture Stock, extend to this Act, with respect to the Mortgages by this Act authorized.

Provisions of 21 & 22 Vict. c. lxxxix., 25 & 26 Vict. c. xlii., and 26 & 27 Vict. c. xc., as to Debenture Stock, apply to Mortgages under this Act.

11. The Company from Time to Time may borrow on Mortgage for the Purposes of this Act any Sums not exceeding in the whole, in

Power to borrow on Mortgage.

in addition to the Sums which they are already authorized to borrow, Twenty-six thousand six hundred Pounds; provided that the Company shall not borrow any Part thereof until the whole of the additional Capital of Eighty thousand Pounds by this Act authorized is subscribed for or taken, and One Half thereof is actually paid up, and until the Company shall prove to the Satisfaction of the Justice who is to certify, in pursuance of Section 40 of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act, before he so certifies, that the whole of the said Capital of Eighty thousand Pounds has been subscribed for *bonâ fide* and issued, and One Half thereof paid up, and that not less than Twenty *per Centum* of the Amount of each Share has been paid up on the Issue of the same, and that such Shares or Stock are held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Satisfaction his Certificate under that Section shall be sufficient Evidence.

Priority of now existing Mortgages.

12. Provided, That the Mortgages of the Company granted before the passing of this Act, and now in force, shall while in force have Priority over all Mortgages granted by the Company under this Act.

Arrears may be enforced by Appointment of a Receiver.

13. The Mortgagees of the Company under this Act may enforce the Payment of the Arrears of Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Four thousand Pounds.

Application of Monies.

14. All Monies raised under the Powers of this Act, either by Shares or by borrowing, shall be applied for the Purposes of this Act, and for no other Purpose.

Power to make Works authorized by Act.

15. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain the Railway and Works by this Act authorized in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and in accordance with the Levels shown on the said Sections, and may enter upon, take, and use such of the said Lands as shall be necessary for the said Purposes.

Railway and Works authorized by Act.

16. The Railway and Works by this Act authorized comprise the following Railway and Works, with all proper and sufficient Sidings, Stations, Buildings, Yards, Bridges, Viaducts, Roads, Approaches, Works, and Conveniences connected therewith; that is to say,

A Railway commencing in the Parish of *Bideford* in the County of *Devon* by a Junction with the *Bideford* Extension Railway of the Company, and terminating in the Parish of *Great Torrington* in the County of *Devon*.

17. In

Inclination of certain public Roads crossed by the Railway.

17. In carrying the several Roads numbered on the deposited Plans as follows over, under, or across the Railway, the Company may make the Inclination of those Roads respectively such as or not steeper than as follows; (to wit,)

Number.	Parish.	Description of Road.	Greatest Inclination of Approach.
31	Landcross - -	Turnpike Road -	1 in 14 on the one Side, and 1 in 36 on the other Side.
17	Monkleigh - -	Public Highway -	1 in 12 on the one Side, and level on the other Side.
36	Great Torrington -	Turnpike Road -	1 in 12 on the one Side, and 1 in 30 on the other Side.

Width of a certain Road carried over the Railway.

18. In carrying the public Road numbered on the deposited Plans 35, in the Parish of *Great Torrington*, over the Railway, the Company may make and maintain the Bridge for carrying that Road over the Railway of any Width between the Fences thereof not less than Twelve Feet.

Span of Arches carrying Railway over public Roads.

19. In carrying the Railway over the several Roads numbered on the deposited Plans as follows, the Company may make and maintain the Arches for carrying the Railway over those respective Roads of Spans respectively not less than as follows; (to wit,)

Number.	Parish.	Description of Road.	Width of Road and Span of Arches.
17	Monkleigh - -	Public Road - -	15 Feet.
85	Monkleigh - -	Public Road - -	15 Feet.

Powers for compulsory Purchases limited.

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

Lodging Houses not to be taken until Notices have been given.

21. The Company shall, not less than Eight Weeks before, under the Powers of this Act, they take compulsorily in any City, Town, or Parish, Houses amounting to Fifteen in Number occupied by Persons belonging to the Labouring Classes, either wholly or partially as Tenants or Lodgers, make known their Intention to take such Houses by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses,

and the Company shall not take compulsorily any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner required by this Provision; and upon production to any Justice of such Evidence as he shall think sufficient such Justice shall grant such Certificate accordingly.

Lands for extra-ordinary Purposes.

22. In addition to the Lands which the Company are by this Act authorized to purchase compulsorily, the Company from Time to Time, by Agreement, may purchase or acquire, for any of the extra-ordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act, any Quantity of Land not exceeding Two Acres.

Period for Completion of Works.

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

Penalty for Noncompletion of Works within Period limited.

24. After the Expiration of the Period by this Act limited for the Completion of the Railway, if it be not then completed the Company shall be liable to a Penalty of Fifty Pounds a Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the Railway is completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it appears by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railway by unforeseen Accident or Circumstances beyond their Control; provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Tolls on Railway.

25. The Company from Time to Time may demand and take in respect of the Railway by this Act authorized, for all Passengers, Animals, and Things conveyed thereon, and for Carriages, Waggons, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, and for all Services performed by them thereon, and for all other Matters with respect to Traffic thereon, a like Amount of Tolls, Fares, Rates, and other Charges as by the several Acts relating to the Company, or any of them, the Company are authorized to demand and take for like Traffic, Services, and Matters on or with respect to the Company's Main Line of Railway, and in like Manner and with and subject to like Powers and Provisions in all respects as if the Railway by this Act authorized were Part of that Main Line.

26. Pro-

Maximum Charges.

26. Provided, That the maximum Charges to be made by the Company with respect to the Tolls, Fares, Rates, and Charges for the User of the Railway or any Part thereof, and for Carriages, Waggons, and Trucks, and for Locomotive Engines or other Power, and every Expense incidental to the Conveyance of their Traffic on and at the same respectively, shall not in any Case to which the Limitation of maximum Charges is applicable exceed the Sums in that Behalf limited by the Acts from Time to Time in force with respect to the Company's Main Line of Railway.

Interest not to be paid out of Capital.

27. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend on the Amount of Calls made in respect of Shares; provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

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

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

Railways not exempt from Provisions of present and future Acts.

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

Saving Rights of Company.

30. Except as is by this Act expressly provided, this Act shall not take away, lessen, prejudice, or alter any of the Estates, Interests, Rights, Powers, Privileges, and Authorities of the Company.

Saving Rights of the Crown.

31. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for

for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

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

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