



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. ciii.

An Act for making a Railway from the *Torquay* Branch of the *South Devon* Railway to or near to *Dartmouth*, to be called “*The Dartmouth and Torbay* Railway;” and for other Purposes.

[27th July 1857.]

WHEREAS the making of a Railway from the *Torquay* Branch of the *South Devon* Railway in the Parish of *Tormoham* in the County of *Devon* to or near to *Dartmouth* in that County would be of public and local Advantage: And whereas the Persons in this Act named, with others, are willing at their own Expense to carry the Undertaking into execution: And whereas under the Act (Local) of the Eleventh Year of *George* the Fourth, Cap. One hundred and twenty-seven, a Floating Bridge over the Harbour of *Dartmouth*, with Landing Places and other Works and Conveniences, has been established by a Company incorporated by such Act: And whereas Sir *Henry Paul Seale* Baronet has been for many Years past Mortgagee in possession of that Undertaking, and has had the entire Control and Management thereof, and there are not and have not for a long Time been any Directors or other Officers of the said Company, which has practically ceased to exist: And whereas it is expedient that the Company be authorized

11 G. 4.
c. cxxvii.

[Local.]

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to

The Dartmouth and Torbay Railway Act, 1857.

to establish and maintain a Ferry or Steam Communication across the River *Dart* from the proposed Terminus there of the intended Railway, and to take a Transfer of the Undertaking of the *Dartmouth* Floating Bridge Company: 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:

Short Title.

I. This Act may be cited for all Purposes as "The *Dartmouth and Torbay* Railway Act, 1857."

8 & 9 Vict.
cc. 16., 18.,
and 20. in-
corporated.

II. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the same respectively are not expressly varied by the Provisions of this Act, are incorporated with this Act.

Same Mean-
ings to
Words in
this as in in-
corporated
Acts.

III. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers
incorpo-
rated.

IV. *Charles Seale Hayne*, Sir *Henry Paul Seale* Baronet, *John Belfield*, *Henry Carew Hunt*, *Henry Studdy*, and *John Bulley*, and all other Persons and Corporations who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purpose of making and maintaining the Railway and Works by this Act authorized, and for other the Purposes of this Act, and for such Purposes are incorporated by the Name of "The *Dartmouth and Torbay* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes, but subject to the Restrictions of this Act.

Capital.

V. The Capital of the Company shall be Ninety thousand Pounds in Three thousand six hundred Shares of Twenty-five Pounds each.

Calls.

VI. Five Pounds a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year thereon.

VII. The

The Dartmouth and Torbay Railway Act, 1857.

- VII. The Company may borrow on Mortgage any Sums not exceeding in the whole Thirty thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Ninety thousand Pounds is subscribed for, and One Half thereof is paid up. Power to borrow on Mortgage.
- VIII. Provided always, That all and every Part of the Money to be raised under this Act, whether by Shares or by borrowing, shall be applied only for Purposes authorized by this Act. Application of Moneys.
- IX. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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." Interest not to be paid on Calls paid up.
- X. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money 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 authorizing the Company to construct any other Railway or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.
- XI. The First Ordinary Meeting of the Company shall be held within Eight Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August*. First and other Meetings.
- XII. Subject to the Provisions of this Act for reducing the Number of Directors, the Number of Directors shall be Six Number of Directors.
- XIII. The Qualification of a Director shall be the Possession in his own Right of Twenty Shares. Qualification of Directors.
- XIV. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or a new Body of Directors may be elected to supply their Place, the Directors appointed by this Act being, if qualified, eligible for Election. Election of Directors.
- XV. The Company may from Time to Time reduce the Number of Directors, so as the Number be not less than Three. Power to reduce the Number of Directors.

XVI. *Charles*

The Dartmouth and Torbay Railway Act, 1857.

First Directors.

XVI. *Charles Seale Hayne, Sir Henry Paul Seale Baronet, John Belfield, Henry Carew Hunt, Henry Studdy, and John Bulley* shall be the First Directors of the Company.

Quorum.

XVII. The Quorum of a Meeting of Directors shall be Three.

Newspaper for Advertisements.

XVIII. The Newspaper for Advertisements shall be any Newspaper published in the County of *Devon*.

Power to make Railway according to deposited Plans.

XIX. Whereas Plans and Sections of the Railway and Works showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners, Lessees, and the Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Devon*: Therefore, subject to the Provisions of this Act, the Company may make and maintain the Railway and Works in the Lines and upon the Lands delineated on those Plans and described in that Book of Reference, and according to the Levels described on those Sections, and may enter upon, take, and use such of those Lands as they think necessary for the Purpose.

Railway and Works.

XX. The Railway and Works by this Act authorized comprise the following; (to wit,)

A Railway commencing by a Junction with the *Torquay* Branch of the *South Devon* Railway at or near the North End of the *Torquay* Station at or near *Torre* otherwise *Torr* in the Parish of *Tormoham* otherwise *Tormohun* in the County of *Devon*, and terminating at a Point in a Field or Enclosure adjoining the River *Dart*, belonging to *John Fownes Luttrell*, and in the Occupation of *William Paige*, in the Parish of *Brixham* in that County.

Certain Roads may be crossed on a Level.

XXI. Subject to the Provisions of this Act, the Company may carry the Railway, with such Number of Rails as herein-after mentioned, across and on the Level of the several Roads numbered in the Plans deposited for the Purposes of this Act as follows; (to wit,)

Parish.	No. on Plan.	No. of Lines of Rail.
<i>Paignton</i> - - -	75	Two.
" - - -	108	Two.
<i>Churston Ferrers</i> - - -	51	Two.
" - - -	56	Two.
<i>Brixham</i> - - -	15	Two.

XXII. For

The Dartmouth and Torbay Railway Act, 1857.

XXII. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or a Lodge at the Point where the Railway crosses those Roads on the Level, and the Company shall be subject to and abide by all such Rules and Regulations with respect to the crossing of those Roads on the Level, or with respect to the Speed at which Trains shall pass those Roads, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch and superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence continues after the Penalty of Twenty Pounds is incurred.

Company to erect a Station or Lodge at Points of crossing, and abide by Rules, &c. of Board of Trade.

XXIII. The Board of Trade, if it appear to them necessary for the public Safety, may at any Time, either before or after the Railway to be carried across those Roads on the Level is completed and opened for public Traffic, require the Company, within such Time as the Board of Trade direct, and at the Expense of the Company, to carry any of those Roads either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings.

Board of Trade may require a Bridge to be erected in lieu of level Crossings.

XXIV. The Railway by this Act authorized shall be made, maintained, and worked on the Broad Gauge of Seven Feet.

Gauge of Railway.

XXV. All Communications between the Railway and the *South Devon* Railway shall be effected by means of Connexion Rails and Points of the Construction most approved, laid in the Manner most approved, and to the Satisfaction of the Engineer of the *South Devon* Railway Company.

As to Communications with *South Devon* Railway.

XXVI. The Expense of the Communications with the *South Devon* Railway by this Act authorized, and of all requisite Works for effecting such Communications, and of all Repairs thereof, shall be paid by the Company, and such Works shall on every Occasion be done to the Satisfaction of the Engineer of the *South Devon* Railway Company, and in such Manner as not to injure the *South Devon* Railway.

Works to be done to the Satisfaction of the *South Devon* Railway Company.

XXVII. And whereas it is expedient to protect the Works of the Railway upon or near to the Shore of the Sea from Injury or Destruction by such Acts as are herein-after next specified: Be it enacted,

For Protection of Railway near the Sea.

[*Local.*]

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That

The Dartmouth and Torbay Railway Act, 1857.

That any Person who, after the Company shall have obtained a Lease of such Shore from or on behalf of the Queen's Majesty or other the Owner or Owners thereof, shall during the Continuance of such Lease, without the previous Consent of the Company or their Engineer in Writing, dig, excavate, or remove any Soil, Beach, Mud, Shingle, Gravel, Stones, Rock, or other like Material, or begin so to do, at or from any Place upon the Shore or Beach of the Sea, on the outer or Sea Side of the Line of Railway, and within Thirty Yards, or who shall, without such Consent as aforesaid, dig, excavate, or remove any Sand, or begin so to do, on the outer or Sea Side of the said Railway, and within Twenty Yards of any Part of any Sea Wall, Buttress, Breakwater, or other Work constructed or to be constructed by the Company upon any Part of the Shore comprised in such Lease as aforesaid, shall for every such Offence be subject to a Penalty not exceeding Ten Pounds: Provided always, that no such Penalty shall be recovered unless the Company shall have published the same in manner provided by the "Railways Clauses Consolidation Act, 1845," for the Publication of Penalties exigible under that Act.

Lands for extraordinary Purposes.

XXVIII. The Company may purchase by Agreement, in addition to the Lands by this Act authorized to be taken compulsorily, any Quantity of Land for the extraordinary Purposes mentioned in the "Railways Clauses Consolidation Act, 1845," not exceeding Five Acres.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

XXX. The Railway and Works shall be completed within Five Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Works as are then completed.

Line not to be deviated without the Consent of the Admiralty.

XXXI. Where the Limits of Deviation extend below High-water Mark, the Railway and other Works shall not deviate Riverward or Seaward of the Black continuous Centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

XXXII. The

The Dartmouth and Torbay Railway Act, 1857.

XXXII. The Company shall not claim or be entitled to any exclusive Right of Water Frontage where the Railway skirts the Shore, but only such Frontage as the Company may require for the Uses of the Railway; and any other Persons legally entitled may, with the previous Assent of and as approved of by the said Lord High Admiral or the said Commissioners, to be signified in Writing under the Hand of the Secretary of the Admiralty, construct Quays and Wharfs to Seaward of the Railway.

Company not to be entitled to Water Frontage without Assent of the Admiralty.

XXXIII. Where the Railway cuts off or will cut off Access between the Land and Seashore the Company shall make and for ever maintain and allow to be used by all Persons, and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the said Lord High Admiral or the said Commissioners shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty.

Company to provide Access between Land and Seashore as required by the Admiralty.

XXXIV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or Access thereto, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Admiralty may order a local Survey at Expense of Company.

XXXV. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works affecting tidal Waters abandoned, Admiralty may remove the same at Expense of Company.

XXXVI. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Six thousand

Restriction as to Payment or Transfer of Sum of 6,750*l.*

The Dartmouth and Torbay Railway Act, 1857.

sand seven hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in that Act, the Sum of Six thousand seven hundred and fifty Pounds so deposited in respect of the Application for this Act, or the Interest or Dividends thereof, shall not (except upon the Execution and Deposit of such Bond as herein-after mentioned) be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited by this Act for Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the Capital; and if that Period expire before the Company either have opened the Railway for the public Conveyance of Passengers, or have given such Proof to the Satisfaction of the Board of Trade, the Sum of Money so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the Sum of Six thousand seven hundred and fifty Pounds be executed by the Company with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum of Six thousand seven hundred and fifty Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the Capital, and if such Bond be deposited with that Solicitor, then that Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order, or the Survivors or Survivor of

of

The Dartmouth and Torbay Railway Act, 1857.

of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in that Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in the like Manner as that Sum of Money, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited, and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond is so executed and deposited, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

XXXVII. The Company may establish and maintain a Ferry or Steam Communication between the proposed Terminus of the intended Railway adjoining to the River *Dart* in the Parish of *Brixham* and any Pier, Bridge, Quay, Wharf, Stage, or Landing Place belonging to them, or which they may have Power to use at or in or adjacent to the Borough of *Dartmouth*, and any other Place or Places in or adjoining to the River *Dart* within Half a Mile of either Side of the *Dartmouth* Terminus of the said Railway; and the Ferry, when established, shall for the Purpose of this Act be deemed Part of the Railway, and for such Purpose the Company may from Time to Time purchase or hire and use within the said Limits such Steam and other Vessels as they think fit, and may substitute others for the same, and alter and improve the same respectively, and may make, on any Lands from Time to Time vested in the Company, such Conveniences for the Transit of Passengers, Animals, and Goods across the Ferry as the Company may think requisite.

Company may establish Ferry across River *Dart*.

XXXVIII. The Postmaster General may, if he shall think fit, at any Time after the establishing by the Company of a Ferry, send any Mails and Post Letter Bags by any of the Boats or Vessels run or used by the Company, in charge of the Guards or Servants of the Company, at the same Rate of Charge as shall be paid by the Public for the Conveyance of ordinary Goods by such Boats or Vessels.

Mails may be sent by ordinary Boats of Company at the same Charge as light Goods.

XXXIX. The Postmaster General may, if he shall think fit, at any Time after the establishing by the Company of a Ferry, send any Mail Guard or other Officer of the Post Office with any Mails and Post Letter Bags by any of the Boats or Vessels run or used by the Company at the same Rate of Charge, and upon the same Conditions in all respects, as any other Passenger or Person may travel or go thereby with Luggage of equal Weight with such Mails; and if such Mails and Post Letter Bags shall exceed the Weight of Luggage allowed to any other Passenger or Person, subject to the general Rules of the Company for any Excess of that Weight.

Mail Guards, &c., with Mails may go by the ordinary Boats of the Company at the same Charge as other Persons.

The Dartmouth and Torbay Railway Act, 1857.

The Com-
pany to run
Boats for the
Conveyance
of Mails, &c.,
on Notice by
the Postmas-
ter General.

XL. The Postmaster General may, if he shall think fit, at any Time after the establishing by the Company of a Ferry, on giving Twenty-eight Days previous Notice in Writing under his Hand to the Company or to the Chairman or Secretary thereof, require the Company to run their Boats or Vessels for the Conveyance of Mails and Post Letter Bags, Mail Guards, and other Officers of the Post Office across the Ferry at any Hours or Times in the Day or Night the Postmaster General may direct, and thereupon the Company shall run such Boats or Vessels, and convey any such Mails and Post Letter Bags, Mail Guards, and other Officers of the Post Office accordingly; and all and every such Boats and Vessels, and the Dispatch and Arrival thereof, and all other Matters and Things relating thereto, shall be regulated and directed by the Postmaster General; and the Amount of Remuneration to be paid by the Postmaster General to the Company for any Services so to be performed by the Company shall be fixed and agreed upon between the Postmaster General and the Company, or, in case of Difference of Opinion between them, the same shall be referred to Arbitration in like Manner as is provided with respect to the Conveyance of the Mails by Railways by the Act of the 1 and 2 *Vict.* Cap. 98, but so that the Services which may be required by the Postmaster General to be performed by the Company be not suspended, postponed, or deferred by reason of such Remuneration not having been then fixed or agreed upon between the Postmaster General and the Company, or by reason of the Award on any Reference to Arbitration to determine the Remuneration not having been then made: Provided always, that the Postmaster General shall, under any Circumstances, be empowered to discontinue the Use of any such Boats or Vessels for the Conveyance of Mails and Post Letter Bags, under the Provision in this Section contained, on giving Twenty-eight Days previous Notice in Writing under his Hand to the Company, or to the Chairman or Secretary thereof, of his Intention to discontinue any such Service, and upon the Discontinuance of any such Service Payment for the same shall cease.

Penalty for
refusing to
run Boats
or carry
Mails, &c.

XLI. If the Company, or any Officer, Servant, or Agent of the Company, shall refuse or neglect to run any such Boat or Vessel for the Conveyance of any Mails or Post Letter Bags, Guards, or other Officers of the Post Office, or shall refuse or neglect to carry or convey, or to take, receive, deliver, or leave, any Mails or Post Letter Bags, Mail Guards, or other Officers of the Post Office, under any of the Provisions in this Act for that Purpose contained, the Company shall for every such Offence forfeit and pay a Sum not exceeding Twenty Pounds, to be recoverable in like Manner as pecuniary Penalties not exceeding Twenty Pounds are authorized to be recovered by the Act of 1 and 2 *Victoria*, Chapter 98, for providing for the Conveyance of the Mails by Railways.

XLII. The

The Dartmouth and Torbay Railway Act, 1857.

XLII. The Company, by Agreement with the *Dartmouth* Floating Bridge Company incorporated by the recited Act, may acquire the Undertaking of that Company under that Act, and their Ferry, Lands, Works and Conveniences, Vessels and other Property, and those Companies respectively may make and carry into effect Agreements accordingly.

Power to acquire Undertaking of *Dartmouth* Floating Bridge Company.

XLIII. Provided always, That no such Agreement shall be entered into without the Sanction of at least Three Fifths of the Votes of the Shareholders of each of those Companies present, personally or by Proxy, at an Extraordinary General Meeting of the respective Companies specially convened for the Purpose.

Sanction of Shareholders necessary before Agreement entered into.

XLIV. If the Company agree with the *Dartmouth* Floating Bridge Company for the Acquisition of their Undertaking and Property, then according to the Terms of the Agreement between them the Undertaking and the Ferry, and the Piers, Wharves, Quays, Toll Houses, Roads, Avenues and Approaches, Lands, Buildings, Estates, Floating Bridge, Steam and other Vessels, Rights, Interests, Easements, Privileges, Securities, Choses in Action, Documents, Books, Apparatus, Goods, Chattels, Effects, Claims, and Demands whatsoever of or to which the *Dartmouth* Floating Bridge Company then are, under the Authority of the recited Act or otherwise, seised, possessed, or in any way entitled at Law or in Equity, or otherwise, with the Appurtenances, exclusive of their Moneys divisible among their Shareholders, shall be by such Deed of Transfer as herein-after mentioned absolutely transferred unto and vested in the Company, but subject to all Mortgages, Charges, Incumbrances, Liabilities, Claims, and Demands whatsoever then affecting the same or the *Dartmouth* Floating Bridge Company in respect thereof.

When Agreement settled, the said Undertaking to be transferred to Company accordingly.

XLV. Provided always, That such Transfer shall be evidenced sufficiently and conclusively by a Deed of Transfer under the Seal of the Two Companies, and duly stamped, and in which Deed the full Consideration for the Deed shall be fully and truly set forth.

Transfer to be evidenced by Deed duly stamped.

XLVI. Two Parts of the Deed shall be so executed, and One Part thereof shall be deposited by the Company with the Clerk of the Peace for the County of *Devon*, and the other Part thereof shall be retained by the Company, and deposited among their Records.

Deposit of Deed of Transfer.

XLVII. The Clerk of the Peace shall receive and retain the Part of the Deed so deposited with him, and shall permit all Persons interested to inspect it, and make Copies and Extracts thereof in like Manner, and upon like Terms or under like Penalty for Default, as provided by the Act of the Session of the Seventh Year of *William* the

Clerk of the Peace to retain Part deposited with him.

The Dartmouth and Torbay Railway Act, 1857.

the Fourth and the First Year of Her present Majesty, Chapter Eighty-three, with respect to Documents therein referred to.

Winding-up
of and Dis-
solution of
Dartmouth
Floating
Bridge
Company.

XLVIII. Forthwith after the Transfer the Affairs of the *Dartmouth* Floating Bridge Company shall be wound up, and that Company shall be dissolved: Provided always, that until the Affairs thereof be wound up, that Company shall exist so far and with such Powers and Immunities as may be requisite for the winding up of the Affairs thereof.

Distribution
of net Assets
among
Share-
holders.

XLIX. In winding up the Affairs of the *Dartmouth* Floating Bridge Company the net Assets of that Company shall be distributed in like Manner as Dividends among the Shareholders therein, and the Provisions of the recited Act with respect to Dividends shall be applicable accordingly: Provided always, that where the Person entitled to receive in respect of any Share a Proportion of the distributable Assets of that Company cannot be ascertained by the Directors after reasonable Inquiry, or is incompetent or refuses to give an effectual Receipt for the Money payable to him, the same may be paid into the Court of Chancery under any Act from Time to Time in force for the Relief of Trustees: Provided also, that the net Assets arising from Revenue shall be distributed and dealt with as Revenue, and the other net Assets shall be distributed and dealt with as Capital.

Company to
represent
Dartmouth
Floating
Bridge Com-
pany.

L. From and after the Transfer, and except as is by this Act otherwise expressly provided, the Company shall to all Intents represent the *Dartmouth* Floating Bridge Company, as if the Company and the *Dartmouth* Floating Bridge Company had originally been and had continued without Intermission to be one and the same Body.

Provisions
of recited
Act ex-
tended to
Company.

LI. From and after the Transfer, but subject to the Provisions of this Act, the recited Act and the several Powers, Provisions, Restrictions, Indemnities, Penalties, and Things with respect to the Property so transferred, and the Maintenance and User of the Ferry, and the Tolls to be taken thereon, respectively therein contained and expressed, shall extend to this Act, and apply to the Company instead of to the *Dartmouth* Floating Bridge Company, as if the Company instead of the *Dartmouth* Floating Bridge Company had been named therein, and had originally been authorized to carry the recited Act into effect: Provided always, that the Company may substitute for that Ferry and the present Floating Bridge the Ferry or Steam Communication by this Act authorized, and may thereupon discontinue the Ferry now belonging to the *Dartmouth* Floating Bridge Company, and discontinue, alter, or divert the Roads and sell the Lands now belonging
to

The Dartmouth and Torbay Railway Act, 1857.

to that Company, and by such Discontinuance, Alteration, or Diversion rendered needless for the Purposes of the Company.

LII. From and after the Transfer, and except as is by this Act otherwise expressly provided, the Company shall be subject to and shall perform and conform to all Duties, Obligations, and Liabilities to which the *Dartmouth* Floating Bridge Company immediately before the Transfer were or but for this Act would be or become subject, and shall indemnify the *Dartmouth* Floating Bridge Company and their Directors and Officers from all such Duties, Obligations, Liabilities, and all such Costs, Damages, and Expenses in that Behalf.

Company to perform Duties of *Dartmouth* Floating Bridge Company.

LIII. Notwithstanding the Transfer and the Dissolution of the *Dartmouth* Floating Bridge Company, and except only as is by this Act otherwise expressly provided, everything before the Transfer and Dissolution respectively done, suffered, and confirmed respectively under or by the recited Act shall be as valid as if the Transfer and Dissolution respectively had not happened; and the Transfer and Dissolution and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the Transfer and Dissolution had not happened and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents represent the *Dartmouth* Floating Bridge Company: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

General Saving of Rights under recited Act.

LIV. Notwithstanding the Transfer and Dissolution, but subject to the Provisions of this Act, the several Clauses and Provisions of any or every Act of Parliament (other than the recited Act) relating to the *Dartmouth* Floating Bridge Company, and their Officers and Servants respectively, and at the Time of the Transfer in force, shall be of like Force as if the Transfer and Dissolution had not happened, and may be exercised, enforced, and enjoyed by and against the Company, and their Officers and Servants respectively, in as full and beneficial a Manner to all Intents as the same respectively might be exercised, enforced, and enjoyed by and against the *Dartmouth* Floating Bridge Company, and their Officers and Servants respectively, if this Act were not passed.

Provisions of other Acts continued.

LV. Notwithstanding the Transfer and Dissolution, all Conveyances, Leases, Contracts, Securities, and Assurances made or entered
 [Local.] 17 H into
 Conveyances, &c. to remain valid.

The Dartmouth and Torbay Railway Act, 1857.

into before the Transfer to, with, or in favour of, or by, for, or on behalf of the *Dartmouth* Floating Bridge Company, or any Person on their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with respect to the Company, and may be proceeded on and enforced in like Manner, to all Intents, as if the Company, instead of the *Dartmouth* Floating Bridge Company or such Person, had been Party to and executed the same, or were named or referred to therein or privy thereto.

Actions, &c.
not to abate.

LVI. Notwithstanding such Transfer and Dissolution, any Action, Suit, or Prosecution whatever, commenced either by or against the *Dartmouth* Floating Bridge Company before the Transfer, shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, both in favour of and against the Company, in like Manner to all Intents as if the Transfer had not happened, save that the Name of the Company may be substituted therein for the Name of the *Dartmouth* Floating Bridge Company as Party thereto.

Tolls to be
recoverable
by Company.

LVII. Notwithstanding the Transfer and Dissolution, all Tolls and Moneys which immediately before the Transfer were due and payable or accruing to the *Dartmouth* Floating Bridge Company shall be payable to and may be collected by the Company in like Manner as Tolls under this Act.

Debts due to
and by the
Dartmouth
Floating
Bridge Com-
pany to be
paid to and
by the Com-
pany.

LVIII. Notwithstanding the Transfer and Dissolution, all Persons who immediately before the Transfer owe any Money to the *Dartmouth* Floating Bridge Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due or to accrue due for the same, to the Company; and all Debts and Moneys which immediately before the Transfer were due or owing by or recoverable from the *Dartmouth* Floating Bridge Company, or for the Payment of which that Company were or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon by or be recoverable from the Company.

Byelaws
continued
for Six
Months.

LIX. Notwithstanding the Transfer and Dissolution, all Byelaws of the *Dartmouth* Floating Bridge Company made before the Transfer shall for the Purposes of this Act with respect to the Company continue in force for Six Months after the Transfer, unless sooner re-enacted under this Act, and such Byelaws may be enforced, and all Proceedings thereon may be continued or taken, and all Penalties thereunder may be recovered accordingly.

Books, &c.
continued
Evidence.

LX. Notwithstanding the Transfer and Dissolution, all Documents, Books, and Writings by the recited Act directed or authorized to be kept,

The Dartmouth and Torbay Railway Act, 1857.

kept, and which, if this Act were not passed, would be receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

LXI. The Company may demand and take any Tolls for the User of the Railway, not exceeding the following ; (to wit,) Tolls for Railway.

In respect of the Tonnage of all Articles conveyed thereon, and included within the following Classes respectively : Tonnage on Articles of Merchandise.

Class 1. For all Coals, Coke, Culm, Charcoal, and Cinders, Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, and all Stones for building, pitching, and paving, all Bricks, Tiles, Slate, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, One Penny Halfpenny a Ton a Mile ; and if conveyed in Carriages belonging to the Company, or to any other Company from Time to Time working the Railway under any Contract with the Company, an additional Three Farthings a Ton a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional Three Farthings a Ton a Mile :

Class 2. For all Cider, Liquor in Casks, Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, Threepence a Ton a Mile ; and if conveyed in Carriages belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Ton a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Ton a Mile :

Class 3. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares and Goods not enumerated in any of the preceding Classes, Fourpence a Ton a Mile ; and if conveyed in Carriages belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Ton a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Ton a Mile :

Class 4. 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), Threepence a Mile ; and if conveyed on a Truck or Platform belonging to the Company, or to any other Company so working the Railway, an additional One Penny Halfpenny a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Penny Halfpenny a Mile ; and an additional

The Dartmouth and Torbay Railway Act, 1857.

additional One Penny Halfpenny a Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton above One Ton, which any such Carriage weighs :

Tolls for
Animals.

In respect of Animals conveyed in Carriages upon the Railway, as follows :

Class 5. For every Horse, Mule, Ass, or other Beast of Draught or Burden so conveyed, Twopence a Mile ; and if conveyed in or upon any Carriage belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Mile ; and if such Carriage be propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Penny a Mile :

Class 6. For every Ox, Cow, Bull, or Neat Cattle so conveyed, Three Halfpence a Mile ; and if conveyed in or upon any Carriage belonging to the Company, or to any other Company so working the Railway, an additional Three Farthings a Mile ; and if such Carriage be propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional Three Farthings a Mile :

Class 7. For every Calf or Pig, Sheep, Lamb, Goat, or other small Animal so conveyed, One Penny a Mile, provided Six at least are carried ; and if conveyed in or upon any Carriage belonging to the Company, or to any other Company so working the Railway, an additional One Halfpenny a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Halfpenny a Mile :

Tolls for
Passengers.

In respect of Passengers conveyed in Carriages upon the Railway, as follows :

For every Person so conveyed, Twopence a Mile ; and if conveyed in or upon any Carriage belonging to the Company, or to any other Company so working the Railway, an additional One Halfpenny a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional One Halfpenny a Mile.

Regulations
as to the
Tolls.

LXII. The following Provisions and Regulations apply to the fixing of such Tolls ; (to wit,)

For Articles, Animals, or Persons conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls as for Four Miles :

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls in respect of Passengers as for One Mile :

For

The Dartmouth and Torbay Railway Act, 1857.

For a Fraction of a Quarter of a Mile the Company may demand Tolls in respect of Animals and Goods as for a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction ; and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton :

With respect to all Articles, except Stone and Timber, the Weight shall be the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

LXIII. With respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may demand any Tolls not exceeding the following ; (to wit,)

Tolls for small Parcels and single Articles of great Weight.

For the Carriage of small Parcels on the Railway, as follows :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence :

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Eightpence :

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling :

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five Hundredweight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term applies only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, a single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, exceeds Four Tons but does not exceed Eight Tons, the Company may demand any Sum not exceeding One Shilling a Ton a Mile ; and if conveyed in or upon a Carriage belonging to the Company, or to any other Company from Time to Time working the Railway under any Contract with the Company, an additional Fourpence a Ton a Mile ; and if propelled by an Engine belonging to the Company, or to any other Company so working the Railway, an additional Threepence a Ton a Mile :

[*Local.*]

17 I

For

The Dartmouth and Torbay Railway Act, 1857.

For the Carriage of any single Article the Weight of which with the Carriage exceeds Eight Tons the Company may demand any Sum they think fit.

Passengers
Luggage.

LXIV. 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, and 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.

Maximum
Rates of
Charges for
Passengers.

LXV. The maximum Rates 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 of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums :

For every Passenger conveyed in a First-class Carriage, Threepence a Mile :

For every Passenger conveyed in a Second-class Carriage, Twopence a Mile :

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny a Mile.

Maximum
Charges for
Goods and
Animals.

LXVI. The maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the Amounts following; (to wit,)

For Goods in Class 1, not exceeding Threepence a Ton a Mile :

For Goods in Class 2, not exceeding Fivepence a Ton a Mile :

For Goods in Class 3, not exceeding Sixpence a Ton a Mile :

For any Carriage in Class 4 not weighing more than One Ton, Sixpence a Mile; and if weighing more than One Ton, One Penny Halfpenny a Mile for every Quarter of a Ton, or fractional Part of a Quarter of a Ton, above Two Tons :

For every Animal in Class 5, Fourpence a Mile :

For every Animal in Class 6, Threepence a Mile :

For every Animal in Class 7, Twopence a Mile.

Restriction
as to Charges
not to apply
to Special
Trains.

LXVII. The Restriction as to the Charges to be made does not extend to any Special Train that may be required to be run upon the Railway in respect of which the Company may make such Charges as they think fit, but applies 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.

LXVIII. Nothing

The Dartmouth and Torbay Railway Act, 1857.

LXVIII. Nothing in this Act contained shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge thereof, or for the Conveyance of any Animals or Goods, other than small Parcels, by Passenger Trains, or by reason of any special Service performed by the Company in relation thereto respectively.

Company may take increased Charges by Agreement.

LXIX. Upon Payment of the Tolls from Time to Time demandable all Persons, whether using the Railway or not, shall be entitled to use the Ferry or Steam Communication forming Part of the Railway with or without Carriages, Carts, or other Vehicles or Animals, but subject to the Regulations from Time to Time made by the Company under this Act.

Ferry to be free on Payment of Tolls.

LXX. The Company from Time to Time may demand and take for the User of their Ferry or Steam Communication under this Act, and whether they take a Transfer of the Undertaking of the *Dartmouth* Floating Bridge Company or not, and whether, if they take such Transfer, they maintain the Ferry so transferred at the Place at which it now is, or remove it to any other Place within the Limits of this Act, and maintain it there or not, the like Tolls and Charges as by the recited Act the *Dartmouth* Floating Bridge Company are authorized to demand and take; and with respect to the Tolls for the Ferry so transferred, the Company shall have all such and the like Remedies for the same as the *Dartmouth* Floating Bridge Company might have under the recited Act if the Transfer were not made, and they maintained the Ferry at the Place it now is.

Tolls for Use of Ferry.

LXXI. Subject to the Provisions of this Act, the Company and the *South Devon* and the *Great Western* Railway Companies, or either of them, from Time to Time may make all such Contracts and Arrangements as they think fit with respect to the User and Working of the Railway and Ferry, or any Part thereof respectively, in connexion with the *South Devon* Railway, and such Working Contracts and Arrangements respectively may be on such Terms and Conditions whatsoever with respect to the providing by such last-mentioned Companies, or either of them, of Engines and Carriages, Plant, Stock, and Services, for such working of the Railway and Ferry, or any Part thereof respectively, and with respect to the Conduct and Regulation of the Traffic on the Railway and Ferry, or any Part thereof respectively, and with respect to the Collection, Division, Apportionment, and Application of the Tolls, Rates, and Charges to be demanded and taken for such Traffic, or any Part thereof, and with respect to the Compensation to be made by either of the Companies to the other of them for such Purposes, or any of them, and with respect to any other

Working Arrangements between Company and South Devon and Great Western Railway Companies.

Matters

The Dartmouth and Torbay Railway Act, 1857.

Matters in connexion with such Working as those Companies mutually agree on.

Condition of Agreement.

LXXII. No such Agreement shall have any Operation until the same shall have been approved by the Board of Trade, and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railway and Ferry to which the said Agreement may relate upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

Approval by Shareholders.

LXXIII. No such Agreement shall have any Operation or Effect unless and until it be submitted to and approved by not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of each Company Party thereto specially convened for the Purpose.

Notice of Meeting for such Approval.

LXXIV. The Meeting shall be called by Advertisements inserted once in each of Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper published in *Devonshire*, the last of which Advertisements shall be published not less than Seven Days before the Day of such Meeting, and also by Circular addressed to every Shareholder entitled to vote at Meetings of the Company, to be served in manner prescribed by the "Companies Clauses Consolidation Act, 1845," with respect to Notices required to be served by the Company on their Shareholders.

Agreements between Companies may be modified by Board of Trade.

LXXV. Provided always, That if at the Expiration of Ten Years from the making of any such Agreement, or any Modification of the same, the Board of Trade be of opinion that the public Interests are injuriously affected by any of the Terms or Conditions thereof, the Board of Trade may require the Companies, Party thereto, to modify the Terms and Conditions of the Agreement in such Manner as the Board of Trade think necessary for removing such public Injury.

Saving Rights of the Crown.

LXXVI. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements,

The Dartmouth and Torbay Railway Act, 1857.

ments, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the Consent in Writing of the Commissioners 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), or 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.

LXXVII. And whereas the Harbour of *Dartmouth*, and the Water thereof, and the Office of Bailiff thereof, with their respective Privileges and Appurtenances, are Part and Parcel of the Duchy of *Cornwall*, and certain Dues are payable and paid for Vessels anchoring, and also for Vessels taking the Ground in the said Harbour, to the Duke of *Cornwall* for the Time being, or to Her Majesty, Her Heirs and Successors, when there is no Duke of *Cornwall*, or to the Lessees thereof for the Time being: Be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to make or construct any Bridge or other Means of Communication or Transit across or over any Part of the said Harbour, or the Water of the *Dart*, or to do any other Act which may in any way interfere therewith, or with the Privileges appurtenant thereto, without the Consent of the Duke of *Cornwall* for the Time being, to be testified in Writing under the Privy Seal of the said Duke, or of other the Personage for the Time being entitled to the Possessions of the said Duchy; and that the said Company shall deposit in the Office of the said Duchy of *Cornwall* Plans and Sections of all Works which the said Company may propose to make or construct under the Powers herein contained, and which may in any way affect or interfere with the said Harbour, or the Water of the *Dart*, or the Embankment or Soil thereof, previously to the same being commenced; and that it shall not be lawful for the said Company, or any Person acting under their Authority or on their Behalf, to make or construct any such Works as aforesaid under the Powers in this Act contained without the Consent of the Duke of *Cornwall* for the Time being, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or of such other Personage as aforesaid.

Saving
Rights of
the Duchy
of Cornwall.

LXXVIII. And whereas divers Claims are made to Rights of Property in the Soil of the Harbour of *Dartmouth*, as distinguished from the Title to such Harbour as a Franchise: Be it enacted, That nothing in the preceding or in any other Section of this Act contained shall be construed to recognize or confirm or to prejudice or affect any of such Claims, it being intended that the Title to the said Soil

Saving
Rights of
Property in
the Soil of
the Harbour
of Dart-
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17 K

shall

The Dartmouth and Torbay Railway Act, 1857.

shall be and remain in the same Plight and Condition to all Intents and Purposes whatsoever as if this Act had not been passed.

Company not to interfere with Land of Duchy of Cornwall without Consent.

LXXIX. Nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, use, 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 Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or to prejudice, diminish, alter, take away, or interfere with any Franchise, Property, Rights, Privileges, Profits, 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.

Saving Rights of the South Devon Railway Company.

LXXX. 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 Devon Railway Company*.

Subscription Contract to be valid.

LXXXI. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

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

LXXXII. Nothing in this Act contained shall exempt the Railway from the Provisions of any General Act relating to Railways, or to the better or 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Rates for small Parcels, by this Act respectively authorized.

Expenses of Act.

LXXXIII. All the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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