



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxlvii.

An Act for making a Railway from the *Dartmouth and Torbay* Railway at *Brixham Road* Station to *Brixham* in the County of *Devon*, and a Tramway in connexion therewith; and for other Purposes. [25th July 1864.]

WHEREAS the making of a Railway and Tramway from the *Dartmouth and Torbay* Railway from the *Brixham Road* Station of that Railway to *Brixham* in the County of *Devon* would be of great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Torbay and Brixham* Railway Act, 1864." Short Title.

[local.]

40 P

2. "The

The Torbay and Brixham Railway Act, 1864.

8 & 9 Vict.
cc. 16., 18., &
20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts 1. and 3. of "The Railways Clauses Act, 1863," and Part 1. of "The Companies Clauses Act, 1863," shall, so far as the same are not expressly varied by or inconsistent with the Provisions of this Act, be incorporated with and form Part of this Act.

Subscribers
incorporated.

3. *Charles Lempriere* and all other Persons and Corporations who have already subscribed or may hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Tramway herein-after described, with proper Works and Conveniences in connexion therewith, and for other the Purposes of this Act, and for such Purposes are by this Act incorporated by the Name of "*The Torbay and Brixham Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands and Hereditaments for the Purposes of the Undertaking, subject to the Restrictions herein and in the incorporated Acts contained.

Capital.

4. The Capital of the Company shall be Eighteen thousand Pounds, and the Number of Shares into which the said Capital shall be divided shall be One thousand eight hundred, and the Amount of each shall be Ten Pounds each; and it shall not be lawful for the Company to issue, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

5. Three Pounds *per* Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls; and the aggregate Amount of all Calls made in any One Year shall not exceed Three Fourths of the nominal Amount of a Share.

Power to
borrow on
Mortgage.

6. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Six thousand Pounds, but no Part thereof shall be borrowed until the whole of the Capital of Eighteen thousand Pounds is subscribed for *bonâ fide*, and One Half Part is paid up, and the Company have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the Capital has been subscribed for or taken, and that Shares for all such Capital are issued, and that not less than Twenty *per Centum* has been

The Torbay and Brixham Railway Act, 1864.

been paid on account of each separate Share before or at the Issue thereof, and that they are *bonâ fide* held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence: Provided always, that all and every Part of the Money raised under this Act, whether by Share or Mortgage, shall be applied only to the Purposes authorized by this Act.

7. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Four thousand Pounds in the whole.

Arrears may be enforced by Appointment of Receiver.

8. The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act.

First and other Meetings.

9. The Number of Directors of the Company shall be Five, and the Qualification of each Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Number and Qualification of Directors.

10. *Arthur Hill Wolston, John Dennis, Charles Lempriere, Walter Thomas Prideaux Wolston, and William Philalethes Spark* shall be the First Directors of the Company.

First Directors.

11. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act, and at that Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any of them, or the Meeting may elect a new Body of Directors, or so many Directors as are required to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Re-election; and at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," and in this Act contained, and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by "The Companies Clauses Consolidation Act, 1845."

Election of Directors.

12. The

The Torbay and Brixham Railway Act, 1864.

Quorum.

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

Newspaper
for Adver-
tisements.13. The Newspaper for Advertisements shall be any Newspaper published in the County of *Devon*.Power to
make
the Railway
according to
deposited
Plans.

14. Whereas Plans and Sections of the Railway, Tramway, and Works, showing the Line and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively 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, Tramway, and Works in the Line 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 shall be necessary for that Purpose.

Railway and
Works.

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

A Railway commencing by a Junction with the *Dartmouth and Torbay* Railway, in the Parish of *Churston Ferrers* in the County of *Devon*, by a Junction with the Siding of the *Dartmouth and Torbay* Railway at the Eastern End of the Platform of the *Brixham Road* Station of that Railway, and terminating in the Parish of *Brixham* in the said County near to the Southern End of *Furzeham Common*:

A Tramway which will be wholly situate in the said Parish of *Brixham* and County of *Devon*, commencing by a Junction with the intended Railway herein-before described at or near the Termination thereof, and terminating in the North-east Corner of *Furzeham Common* aforesaid.

Company
empowered
to lay down
Mixed
Gauge.

16. The Company shall lay down and maintain on the Railway, Tramway, and Works by this Act authorized the Broad Gauge, and they may also lay down and maintain, if the *Dartmouth and Torbay* Railway Company shall lay down the Narrow Gauge on their Railway, the necessary Rails and Apparatus, so as to admit of the Passage along the same of Engines and Carriages adapted to the Narrow Gauge.

Lands for
extraordi-
nary Pur-
poses.

17. The Company may purchase by Agreement for extraordinary Purposes any Quantity of Land not exceeding in the whole Five Acres.

18. The

The Torbay and Brixham Railway Act, 1864.

18. 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. Powers for compulsory Purchases limited.

19. The Railway and Tramway shall be completed within Four Years from 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 Tramway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Tramway as is then completed. Period for Completion of Works.

20. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of One thousand five hundred and eighty-two Pounds Eight Shillings and Fourpence Consolidated Three Pounds *per Cent.* Annuities has been transferred into the Name and with the Privity of the Accountant General of the Court of Chancery in *England* pursuant to the said Act, and with respect to the Application for this Act, being equal to One thousand four hundred and forty Pounds, being *Eight per Cent.* on the Amount of the Estimate of the Expenses of the Railway authorized by this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, 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 the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the Sum of Money so deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid or transferred by the Officer or Person in whose Name they shall be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred

The Torbay and Brixham Railway Act, 1864.

transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that if at any Time after the passing of this Act a Bond in twice the Amount of the said Sum of One thousand four hundred and forty Pounds shall have been executed by the said 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 said Sum if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such 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 as aforesaid, or the Survivor or Survivors of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

21. The Company may demand any Tolls for the Use of the Railway and Tramway not exceeding the following; (to wit,)

Goods and Merchandise.

1. In respect of the Tonnage of all Articles conveyed upon the Railway and Tramway, or either of them, or any Part thereof, as follows:

Class 1. For all Dung, Compost, Coals, Cinders, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Farthing:

Class 2. For all Coke, Culm, Charcoal, and all Stone for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone

The Torbay and Brixham Railway Act, 1864.

Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Cast Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Meal, Bread, Potatoes, Hay, Straw, Flax, Tow, Linen or Cotton, Yarn, Hides, Dye-woods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Vices, and Chains, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

Class 4. For all Cotton and other Wools, Drugs (except Vitriol), manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

Class 5. And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per Mile* not exceeding Threepence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, a further Sum *per Mile* not exceeding One Penny Halfpenny; and the Sum of One Penny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage so conveyed may weigh.

22. In respect of Passengers and Animals conveyed in Carriages upon the Railway and Tramway, as follows: Passengers and Cattle.

For every Person conveyed in and upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny:

For every Horse conveyed in or upon any such Carriage, not exceeding Twopence *per Mile*; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding One Penny Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Halfpenny:

For

The Torbay and Brixham Railway Act, 1864.

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny.

Locomotives
not to be
used on
Tramway.

23. No Locomotive Engine or Carriage propelled by Steam or Atmospheric Agency, or drawn by Ropes in connexion with a Stationary Engine, shall be used on the Tramway, except with the previous Consent in Writing of the Lords of the Committee of Her Majesty's Council for Trade and Plantations first had and obtained.

Tolls for
motive
Power.

24. The Toll which the Company may demand for Locomotives and Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or each Ton of Goods or other Articles, in addition to the several Tolls or Sums by this Act authorized to be taken: Provided always, that as regards the Tramway hereby authorized the Company may take the same Tolls and Charges for Horses as for Locomotive Engines on their Railway.

Maximum
Charges.

25. Provided always, That notwithstanding anything herein-before contained, the maximum Charges to be made by the Company in respect of all the Tolls and Charges for the Use of the Railway and Tramway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for delivering and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company,) shall not exceed the Amounts following; (to wit,)

For all Matters herein-before mentioned under Class 1, One Penny Halfpenny *per* Ton *per* Mile:

For all Matters mentioned under Class 2, Twopence *per* Ton *per* Mile:

For all Matters mentioned under Class 3, Threepence *per* Ton *per* Mile:

For all Matters mentioned under Class 4, Fourpence *per* Ton *per* Mile:

For all Matters mentioned under Class 5, not weighing more than One Ton, Sixpence *per* Mile; and if weighing more than One Ton, One Halfpenny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton.

In respect to Passengers and Animals conveyed in Carriages upon the Railway and Tramway, as follows:

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For

The Torbay and Brixham Railway Act, 1864.

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile :

For every Passenger conveyed in a Third-class Carriage, the Sum of Three Halfpence *per* Mile :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Fourpence *per* Mile :

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Threepence *per* Mile :

For every Calf, Pig, Sheep, or Lamb, or other small Animal, the Sum of Twopence *per* Mile.

26. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway or Tramway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

As to Stations to be considered to be Terminal Stations.

27. The following Provisions and Regulations shall be applicable to the fixing of such Tolls ; (that is to say,)

Regulations as to Tolls.

For Articles or Persons conveyed on any Part of the Railway and Tramway, or either of them, the Company may demand Tolls as for Three Miles :

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges in respect of Animals and Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and for this Purpose a Fraction of a Mile shall be deemed a Quarter of a Mile, and in respect of Passengers Tolls and Charges as for One 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 determined according to the usual Avoirdupois Weight :

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

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

Tolls for small Parcels and single Articles of great Weight.

For the Carriage of any Parcel not exceeding Fourteen Pounds in Weight, Fourpence :

[*local.*]

40 R

For

The Torbay and Brixham Railway Act, 1864.

For any Parcel exceeding Fourteen Pounds in Weight and not exceeding Twenty-eight Pounds in Weight, Sixpence :

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, Ninepence :

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight 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 such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any Boiler, Cylinder, or single Piece of Timber or Stone, or other single Article, the Weight of which including the Carriage shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers
Luggage.

29. Every Passenger travelling upon the Railway and Tramway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Restriction
as to Charges
not to apply
to Special
Trains.

30. The Restriction as to the Charges to be made shall not extend to any Special or Extra Train that may be required to be run upon the Railway, but shall apply only to the Express and Ordinary Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Company to
take in-
creased
Charges of
Agreement.

31. This Act or anything therein contained shall not 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 of such Goods, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of any Goods (other than small Parcels) by Passenger Trains.

Commis-
sioners of
Woods, with
Consent of
Perpetual
Curate, may

32. And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be seised of or entitled to the Advowson and Right of Patronage and Presentation of the Perpetual Curacy of *Lower Brixham* in the County of *Devon*, and certain Parts of the
Glebe

The Torbay and Brixham Railway Act, 1864.

Glebe belonging to the said Perpetual Curacy are intended to be purchased or taken by the Company for the Purpose of making the Railway: Be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods and Forests and Land Revenues, or either of them, and they and he are and is hereby authorized and empowered, with the Consent of the Perpetual Curate for the Time being of the said Living, to contract and agree with the Company for the absolute Sale in Fee Simple of the whole or any Part of such Portion of the Glebe Lands of the said Perpetual Curacy of *Lower Brixham* as the Company are by this Act authorized to purchase or take at or for such Price or Consideration in Money, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Commissioners for the Time being, or One of them, with such Consent as aforesaid, and the Company, and upon Payment of such Price or Consideration, by any Deed or Writing under the Hands and Seals of the said Commissioners for the Time being, or either of them, and of the said Perpetual Curate for the Time being, (in which Deed or Writing the full and true Consideration shall be expressed and set forth, and such Deed shall be duly stamped with the full and proper Stamp Duty in respect of such Consideration,) to convey such Part of the Glebe Lands as shall be so purchased, and the Fee Simple and Inheritance thereof, to the Company for the Purposes of this Act, which said Deed in Writing being enrolled in the Office of Land Revenue Records and Enrolments, and registered in the Registry of the Diocese in which the said Perpetual Curacy is situate, shall be effectual to vest in the Company the Lands therein or thereby expressed to be conveyed, any Act or Law to the contrary notwithstanding; and in case the said Perpetual Curate shall not give his Consent to any such Sale as aforesaid within One Calendar Month after the same has been applied for by One of the Commissioners of Woods, Forests, and Land Revenues, then the Compensation shall be settled in the Manner provided in the Lands Clauses Consolidation Act, 1845, and the Purchase or Consideration Money expressed in such Conveyance or Compensation to be so ascertained as aforesaid shall be invested by and at the Expense of the Company in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Three and a Half *per Centum* Annuities, or Two and a Half *per Centum* Annuities, in the Name or Names of the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy; and until such Annuities shall be sold for the Purposes herein-after mentioned the said Governors shall and they are hereby required from Time to Time to pay the Dividends, Interest, or annual Proceeds thereof to the Perpetual Curate for the Time being of the said Perpetual Curacy according

convey Part
of Lower
Brixham
Glebe.

to

The Torbay and Brixham Railway Act, 1864.

to the Rules, Orders, and Regulations of the Governors in that Behalf with respect to the General Funds at their Disposal.

Power to
Governors
of Queen
Anne's
Bounty to
sell Bank
Annuities
and apply
Monies in the
Purchase of
other Lands.

33. It shall be lawful for the said Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and they are hereby authorized and empowered, if the said Governors shall think fit, at the Request in Writing of the Perpetual Curate for the Time being of the said Living, and to whom such Dividends shall be payable, to sell the whole or any Portion of the said Bank Annuities, and to apply the Monies arising therefrom in the Purchase of other Lands convenient to be held as Part and Parcel of the said Living, and the said Governors shall cause such Lands when so purchased to be well and effectually conveyed to and invested in the Perpetual Curate for the Time being of the said Living, and his Successors, to be held by him and them as Part and Parcel of the said Living for ever.

Power to
Commis-
sioners of
Woods to
make an
Exchange
with the
Company.

34. It shall be lawful for the said Commissioners of Her Majesty's Woods and Forests and Land Revenues, or One of them, and they and he are and is hereby authorized and empowered, if they or he shall think fit, with the Consent of the Perpetual Curate for the Time being of the said Living, to exchange the whole or any Part of such Portion of the said Glebe Lands as the Company are by this Act authorized to purchase or take, which may not have been sold to them under the Provisions of this Act, for other Lands, Tenements, or Hereditaments belonging to or to be conveyed by the Direction of the Company; and it shall be lawful for the said Commissioners, or either of them, together with the said Perpetual Curate, to concur in carrying such Exchange into effect under the Powers now or hereafter to be vested in the Inclosure Commissioners for *England* or *Wales*, or in such other Mode as may be deemed expedient: Provided, that the Lands, Tenements, or Hereditaments to be given in exchange by the Company, or by their Direction, shall be conveyed or assured to the Perpetual Curate of the said Perpetual Curacy for the Time being, and his Successors; and upon the said Lands, Tenements, or Hereditaments being so conveyed or assured to the said Perpetual Curate and his Successors the same shall be annexed to and form Part of the Glebe of the said Perpetual Curacy, and the Rents, Issues, and Profits thereof shall thenceforth be received by the Perpetual Curate of the Perpetual Curacy for the Time being.

Saving
Rights of
the Crown.

35. 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 Land, Soil, Tenements, or Hereditaments, or of any Rights of whatsoever Nature belonging to or enjoyed or exerciseable

The Torbay and Brixham Railway Act, 1864.

exercisable by the Queen's most Excellent Majesty in right of Her Crown, nor with any Glebe Land belonging or annexed to the Perpetual Curacy of *Lower Brixham*, 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), neither shall anything in the said Act or Acts contained divert, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exercisable by the Queen's Majesty, Her Heirs or Successors; and as regards any Glebe Land belonging to the said Perpetual Curacy of *Lower Brixham*, the Company shall not divert from the centre Line of Railway shown on the deposited Plans without the Consent of the said Commissioners or One of them in Writing.

36. In case the Company and the *Dartmouth and Torbay* Railway Company shall hereafter respectively agree thereto, it shall be lawful for the Company, with their Engines, Carriages, and Servants, to work and run over and use the *Dartmouth and Torbay* Railway, and for the *Dartmouth and Torbay* Railway Company, with their Engines, Carriages, and Servants, to work, run over, and use the Railway by this Act authorized, together with all Stations, Booking Offices, Watering Places, Water, Platforms, Approaches, Sidings, Turntables, Works, Buildings, and Conveniences connected with such Railways respectively, or any Part thereof; and the *Dartmouth and Torbay* Railway Company (or the Company, as the Case may require,) shall at all Times render all requisite Services, and afford all requisite Facilities, and shall make such Arrangements and such Alterations in the Stations, and lay down such additional Rails, together with such additional Sidings, Works, and Conveniences, as may be necessary or convenient for giving full Effect to the Powers contained in this Section.

Mutual
Power to
use the
Dartmouth
and Torbay
Railway and
the Torbay
and Brix-
ham Rail-
way.

37. The Company on the one hand, and the *Dartmouth and Torbay* and *South Devon* Railway Companies, or either of them, on the other hand, may from Time to Time enter into and carry into effect, and from Time to Time alter, rescind, or renew, any Contracts with respect to the following Purposes or any of them, and all Matters incidental; (that is to say)

Power to
enter into
Traffic and
Station
Arrange-
ments.

The Maintenance, Management, and working by the *Dartmouth and Torbay* and *South Devon* Railway Companies, or either of them, of all or any Part of the Railway and Tramway of the Company, and of all or any of the Stations, Works, and Conveniences belonging to the Company, and the Costs and Expenses thereof:

[Local.]

40 S

The

The Torbay and Brixham Railway Act, 1864.

The Collection, Regulation, Management, Interchange, Protection, Transmission, and Delivery by the *Dartmouth and Torbay* and *South Devon* Railway Companies, or either of them, of the whole or any Part of the Traffic upon the Railway or Tramway or any Part of the Railway or Tramway of the Company :

The Division and Appointment of such Traffic between the contracting Companies :

The Supply, Maintenance, and Use of any Rolling or Working Stock and Plant required for such Purposes, and the Employment of Officers and Servants :

The Collection and fixing of the Tolls, Rates, and Charges to be levied or taken in respect of the Traffic conveyed over the Railway and Tramway of the Company, or either of them, or any Part thereof, not exceeding the maximum Tolls, Rates, and Charges authorized by this Act :

The Division, Appropriation, and Distribution of the Tolls and other Receipts arising from the Traffic of the Railway and Tramway of the Company, or either of them, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the contracting Companies to the other of them, by virtue of such Contract :

The Rent and other Payments and Allowances, periodical or otherwise, to be paid or allowed by either of the contracting Companies to the other of them, and the Appropriation thereof.

During the Continuance of Contract Railway to be considered Part of Railways of contracting Companies.

38. During the Continuance of any Agreement under the Authority of this Act the said intended Railways and the Railway or Railways of the *Dartmouth and Torbay* Railway Company and the *South Devon* Railway Company, or either of them, shall, for the Purposes of Tolls and Charges, be considered One Railway ; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on such Railway or Railways and partly on the said intended Railway for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles, and as for a Quarter of a Mile or any Fraction of a Quarter of a Mile beyond Three Miles as for One Quarter of a Mile in respect of Animals, Minerals, Goods, and other Traffic, except Passengers, and for Passengers as for a Mile ; and no other Short Distance Charge than such as is herein-before mentioned shall be made in respect of the Traffic on the said Railway or Railways and the said intended Railway when worked under any such Agreement.

Saving Rights of Railway

39. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of

The Torbay and Brixham Railway Act, 1864.

of the *Dartmouth and Torbay* and *South Devon* Railway Companies, or either of them, otherwise than is herein expressly provided. Companies herein named.

40. All Matters in difference between the Company and the *Dartmouth and Torbay* Railway by this Act directed to be settled or determined by Arbitration, or as to the Construction or Effect of the preceding Enactments, or the Performance or Observance or Non-performance or Non-observance of any of the Provisions thereof, shall as and when the same arise be referred to and determined by Arbitration in the Manner provided by "The Railway Companies Arbitration Act, 1859," and as if the Two Companies had agreed to refer the same to Arbitration in accordance with that Act; and the Arbitrator, or (as the Case may be) the Arbitrators and Umpire, shall be at liberty to make Awards from Time to Time on any Part of the Matters referred to him or them. Provision for Arbitration in case of Differences.

41. The Company shall not, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: 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 shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained. Interest not to be paid on Calls paid up.

42. 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 in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purposes of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking. Deposit for future Bills not to be paid out of Company's Capital.

43. This Act or anything therein contained shall not 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 herein-after 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 Tolls of small Parcels, authorized by this Act. Railway not exempt from Provision of present and future General Acts.

44. The

The Torbay and Brixham Railway Act, 1864.

Expenses of
Act,

44. The Costs and Expenses of obtaining and passing this Act, or preparatory or incidental thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.