



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cclxxxvii.

An Act for incorporating a Company, and for making and maintaining the *Kingsbridge* Railway; and for other Purposes.

[29th July 1864.]

WHEREAS the making and maintaining a Railway from *South Brent* to *Kingsbridge* in the County of *Devon* would be of public and local Advantage: And whereas the several Persons in that Behalf in this Act named, with others, are willing at their own Expense to execute the Undertaking: And whereas Plans and Sections showing the Lines and Levels of the Railway and Works by this Act authorized to be made and the Lands to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands have been deposited with the Clerk of the Peace for the County of *Devon*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

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and

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and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may for all Purposes be cited as "*Kingsbridge Railway Act, 1864.*"

8 & 9 Vict. cc. 16., 18., & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. 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 I. and III. of "The Railways Clauses Act, 1863," relating to the Construction of a Railway and to Working Agreements, save so far as any of the Clauses and Provisions of those Acts respectively are varied or excepted by or are inconsistent with this Act, are incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act. 3. 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 excluded by the Subject or Context.

Company incorporated. 4. *Robert H. Balkwill, John Elliot, William B. Fortescue, George Fox, William Roope Ilbert, Willoughby Shortland,* and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking or take Shares in the Capital of the Company, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for the Purposes of the Undertaking by this Act authorized, and for those Purposes are by this Act incorporated by the Name of "*Kingsbridge Railway Company,*" and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, sell, and otherwise dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to exercise the other Powers by this Act conferred upon them.

Capital. 5. The Capital of the Company shall be One hundred and thirty thousand Pounds in Thirteen thousand Shares of Ten Pounds each.

Shares not to issue until One Fifth paid up. 6. It shall not be lawful for the Company to issue any Share, 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. 7. Two Pounds Ten Shillings a Share shall be the greatest Amount of any One Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share

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Share shall be the utmost aggregate Amount of Calls in any One Year on any Share.

8. When the whole of the Capital of One hundred and thirty thousand Pounds has been subscribed, and One Half thereof paid up, the Company may borrow on Mortgage any further Sum or Sums of Money not exceeding in the whole Forty-three thousand Pounds, but no Part of such last-mentioned Sum of Forty-three thousand Pounds shall be borrowed until the whole of the said Capital of One hundred and thirty thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of the said Capital of One hundred and thirty thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the 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.

Power to borrow on Mortgage.

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

Receiver for Mortgagees.

10. All and every Part of the Monies by this Act authorized to be raised by the Company by Shares and by borrowing respectively shall be applied only to the Purposes of this Act.

Application of Monies.

11. *Robert H. Balkwill, Samuel Cornish, John Elliot, William B. Fortescue, William Roope Ilbert, and Willoughby Shortland* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company after the passing of this Act.

First Directors.

12. At the First Ordinary Meeting of the Company the Shareholders present, personally or by proxy, may continue in Office the First Directors or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the First Directors appointed as aforesaid being eligible to be elected as Members of such new Body.

Election of Directors at First Ordinary Meeting.

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

Quorum.

14. Subject

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Number and
Qualification
of Directors.

14. Subject to the Provisions herein contained for reducing the Number of the Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of not less than Ten Shares in the Undertaking.

Power to
reduce
Number of
Directors.

15. It shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Four.

Subsequent
Election of
Directors.

16. At the First Ordinary Meeting to be held every Year after the Year in which the First General Meeting shall be held 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," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Meetings
of the
Company.

17. The First General Meeting of the Company shall be held within Six Months next 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*, or such other Months as the Directors shall from Time to Time appoint.

Newspaper
for Adver-
tisements.

18. The Newspaper for Advertisements shall be any Newspaper published and circulating in the County of *Devon*.

Power to
take Lands
for Works
authorized
by Act.

19. Subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands and Property shown on the deposited Plans and described in the deposited Books of Reference as the Company may from Time to Time think expedient.

Powers for
compulsory
Purchases
limited.

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

Lands for
extraordi-
nary
Purposes.

21. The Company by Agreement, from Time to Time may purchase any Quantity of Land, not exceeding in the whole Two Acres, for any of the extraordinary Purposes expressed in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Period for
Completion
of Railways
and Works.

22. The Railway shall be completed within Five Years after the passing of this Act and on the Expiration of that Period the Powers by

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by this Act granted to the Company for making the same respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as is then completed.

23. Subject to the Provisions of this Act, the Company from Time to Time may make the several Works by this Act authorized, in the Lines and according to the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands delineated on those Plans, and described in the deposited Books of Reference. Power to make Works authorized by Act.

24. The several Works by this Act authorized comprise the following Railway and Works, with all proper Stations, Sidings, Bridges, Roads, Approaches, or Communications, and other incidental Works and Conveniences; (that is to say,) Works authorized.

A Railway commencing by a Junction with the *South Devon* Railway, in the Parish of *South Brent*, at or near a Point Four Furlongs or thereabouts, measured along the said Railway in a Westerly Direction from the Platform on the South Side of the *South Brent* Station of that Railway, and terminating in the Parish of *Westalvington*, in or near to a Field called the *Linhay* Field.

25. Subject to the Provisions of this Act, the Company may carry the proposed Railway with not more than One Line, so long as the Railway is a single Line, and not more than Two Lines of Railway when the Railway is a double Line, across and on the Level of the Roads numbered on the said deposited Plans, as follows; to wit, Level Crossings.

No. on Plan.	Parish.	Description of Road.
5	North Huish - - -	Turnpike Road.
73	Diptford - - -	Public Road.

26. As regards the Roads herein-after mentioned, the Company may make those Roads, when altered, of any Inclinations not steeper than the respective Inclinations following; namely, Inclination of Roads.

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
47	West Alvington -	Turnpike - - -	1 in 9
28	Churchstow -	Turnpike - - -	1 in 20 on one Side and level on the other.
35	Churchstow -	} Public - - -	1 in 15
80	West Alvington -		
54	North Huish -	Public - - -	1 in 10
93	North Huish -	Public - - -	1 in 5

*Kingsbridge Railway Act, 1864.*Gauge of
Railway.

27. The Railway may be constructed upon a Gauge of Seven Feet.

Bond for
Completion
of Railway.

28. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to the Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Twenty, a Sum of Ten thousand four hundred Pounds, being Eight *per Centum* upon the Sum of One hundred and thirty thousand Pounds, the Amount of the Estimate in respect of the Railway by this Act authorized, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act: Therefore, notwithstanding anything in that Act, the Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a 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 lodged in pursuance of that Act, or the Survivors or Survivor of them, unless the Company before the Expiration of the Period 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; and if that Period expire before the Company either open the Railway for the public Conveyance of Passengers, or give the aforesaid Proof to the Satisfaction of the Board of Trade, the Sum 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: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company do 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 that Capital, and if the Bond be deposited with the Solicitor to the Treasury, then that Sum of Money, and the Interest or Dividends

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dends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies recovered on the Bond shall be dealt with in like Manner as the deposited 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 that Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

29. The Company may demand and take for the Use of the Rail- Tolls.
way any Tolls not exceeding the following; (that is to say,)

With respect to the Conveyance of Passengers :

Class 1. For every Person conveyed in a First-class Carriage, *per* Mile Twopence :

Tolls for
Passengers
and Animals.

Class 2. For every Person conveyed in a Second-class Carriage, *per* Mile, One Penny Halfpenny :

Class 3. For every Person conveyed in a Third-class Carriage, *per* Mile One Penny.

With respect to the Conveyance of Animals :

Class 4. For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any Carriage, *per* Mile Twopence :

Class 5. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage, *per* Head *per* Mile One Penny Halfpenny :

Class 6. For every Calf, Pig, Sheep, or Lamb, or other small Animal conveyed in or upon any Carriage, *per* Mile One Halfpenny.

With respect to the Conveyance of Goods :

Class 7. For all Coals, Coke, Culm, Slack, Cannel, Cinders, Lime, Limestone, Sand, Clay (except Fireclay), Chalk, Dung, Compost, and all Sorts of common Manure, and all undressed Materials for the Repair of Highways, Clay, Ironstone, and Iron Ore, *per* Ton *per* Mile One Penny :

Class 8. For all Pig Iron, Bar Iron, Rod Iron, and all other similar Descriptions of Wrought Iron, Railway Chairs, and other similar Descriptions of Iron Castings not manufactured into Utensils, or other Articles of Merchandise, undressed Stones for building, pitching, and paving, Bricks, Tiles, common Slates, Fireclay, Charcoal, Bats, Copper, Tin, Lead, and other Ores, *per* Ton *per* Mile One Penny :

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Class 9. For all Sugar, Grain, Corn, Flour, Potatoes, Guano, and artificial Manures, Hides, dried or salted, Dyewoods, Timber, Staves, and Deals, Metals (except Iron), Tinned Plates, Nails, Anvils, Vices, Hoop Iron, Sheet Iron, and Chains, *per Ton per Mile Twopence* :

Class 10. For Lace, Furs, Silk, Drapery, Millinery, China, Glass, Cotton, Wool, manufactured Goods, Drugs, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile Fourpence*.

With respect to the Conveyance of Carriages :

Class 11. For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to the Company, and if having more than Two Wheels, *per Mile Fourpence* ; and if having only Two Wheels, *per Mile Threepence* ; and for every additional Quarter of a Ton up to Four Tons which any such Carriage weighs, One Penny *per Mile* in addition if such Carriage have more than Two Wheels, and Three Farthings *per Mile* in addition if the same have only Two Wheels.

Tolls for
Carriages,
&c.

30. For Carriages, Trucks, and Platforms supplied by the Company, the Company may (in addition to the other Tolls by this Act authorized) demand and take for or in respect of Goods, Articles, Matters, or Things, Persons or Animals, comprised in either of the Classes herein-before specified, any Tolls not exceeding the Tolls next herein-after mentioned, in connexion with the Class in which such Goods, Articles, Matters, or Things, Persons, or Animals, are respectively comprised ; (to wit,)

Class 1. For each Person, *per Mile One Penny* :

Class 2. For each Person, *per Mile Three Farthings* :

Class 3. For each Person, *per Mile One Halfpenny* :

Class 4. For each Animal, *per Mile One Penny* :

Class 5. For each Animal, *per Mile One Penny* :

Class 6. For each Animal, *per Mile One Halfpenny* :

Class 7. *Per Ton per Mile One Halfpenny* :

Class 8. *Per Ton per Mile One Halfpenny* :

Class 9. *Per Ton per Mile Three Farthings* :

Class 10. *Per Ton per Mile One Penny*.

Tolls for
propelling
Power.

31. With respect to Locomotive Engines and other moving Power supplied by the Company, the Company may demand and take, in addition to the other Tolls by this Act authorized, any Tolls not exceeding One Penny *per Mile* for each Passenger or Animal or for each Ton of Goods or other Articles.

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32. The maximum Rate of Charges to be made by the Company for the Conveyance of Passengers, 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; (that is to say,) Maximum Charges for Passengers.

Class 1. For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

Class 2. For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

Class 3. For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile.

33. The maximum Rate of Charge to be made by the Company for the Conveyance of Goods and Animals, including the Tolls for the Use of the Railway and Waggons or Trucks, and locomotive Power, and every 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 Delivery 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 following Sums; (that is to say,) Maximum Charges for Goods and Animals.

Class 4. For each Animal, Fourpence *per* Mile:

Class 5. For each Animal, Twopence *per* Mile:

Class 6. For every Calf or Pig, One Penny *per* Mile, and for every other small Animal, Three Farthings *per* Mile:

Class 7. One Penny Halfpenny *per* Ton *per* Mile:

Class 8. One Penny Halfpenny *per* Ton *per* Mile:

Class 9. Threepence *per* Ton *per* Mile:

Class 10. Fourpence *per* Ton *per* Mile:

Class 11. For every Carriage if having more than Two Wheels and not weighing more than One Ton and a Half, Fivepence; and if having only Two Wheels, Fourpence *per* Mile; and for each additional Quarter of a Ton, One Penny *per* Mile:

Provided also, that when a separate Waggon or Truck shall be retained by one Person for the Conveyance only of Cattle or Sheep belonging to him, or under his Charge, the Aggregate of the Tolls to be paid for such Waggon or Truck capable of containing Six Oxen or Twenty-five Sheep shall not exceed Ninepence *per* Mile. Tolls for separate Waggons.

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

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Regulations
as to the
Tolls.

35. The following Regulations are applicable to the fixing of the Tolls; (that is to say,)

For Passengers, Animals, or Things conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls, Fares, and Rates 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, Fares, and Rates for Passengers as for One Mile, and for Animals and Things according to the Number of Quarters of a Mile in the Fraction, a Fraction of a Quarter of a Mile being reckoned as a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Tolls and Rates according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Quarter of a Ton the 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 :

Where a Waggon for the Carriage of Cattle or Sheep capable of containing Six Oxen or Twenty-five Sheep is engaged by One Person the Tolls and Rates for the Cattle or Sheep conveyed therein shall not exceed Sixpence a Mile.

Rates for
small Parcels
and single
Articles of
great
Weight.

36. With respect to small Packages and single Articles of great Weight, notwithstanding the Rates prescribed by this Act, the Company may demand and take the Rates following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Three-pence :

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

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

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

For any Parcel exceeding Fifty-six Pounds and not exceeding One Hundredweight, Three Shillings; and for every additional One Hundredweight beyond One Hundredweight up to Five Hundredweight, Ninepence :

Provided 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 :

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For the Carriage of any single Thing, the Weight of which including the Carriage exceeds Four Tons but does not exceed Eight Tons, the Company may demand and take any Sum not exceeding Sixpence a Ton a Mile :

For the Carriage of any single Thing carried on any Truck or Platform belonging to the Company, the Weight of which with the Carriage exceeds Eight Tons, the Company may demand and take any Sum they think fit.

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

Passengers
Luggage.

38. The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that is required to run on the Railway, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers, Animals, and Things on the Railway.

Restriction
as to Charges
not to apply
to Special
Trains.

39. 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 of or Persons in charge of the Goods, either with respect to the Conveyance thereof, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company
may take
increased
Charges by
Agreement.

40. The Heads of Arrangement for the Management, Maintenance, Repair, and Working of the Railway by the *South Devon* Railway Company which are set forth in the Schedule to this Act annexed, and the several Provisions therein expressed, are by this Act confirmed and made binding on the Company and the *South Devon* Railway Company respectively, and all Persons claiming from and under them respectively, and shall have full Effect according to the Terms and Intent thereof.

Heads of Ar-
rangement
in Schedule
to Act con-
firmed.

41. During the Continuance of the Agreement hereby confirmed the Railways of the Company and the *South Devon* Company shall for the Purposes of Tolls and Charges be considered as One Railway ; and in estimating the Amount of Tolls and Charges in respect of Traffic conveyed partly on the Railway of the Company and partly on the Railway of the *South Devon* Company, for a less Distance than Four Miles, Tolls and Charges may only be charged as for Four Miles ;

Tolls during
Agreement.

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Miles ; and in respect of Passengers for each Mile or Fraction of a Mile beyond Four Miles, Tolls and Charges as for One Mile only ; and in respect of Animals, Minerals, and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles, Tolls and Charges as for a Quarter of a Mile only ; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters, partly on the Railway of the Company and partly on the Railway of the *South Devon* Company.

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 by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made on the Shares held by him : Provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845," incorporated with this Act.

Deposits for future Bills not to be made out of Capital.

43. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, 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 make any other Railway, or execute any other Work or Undertaking.

Saving Rights of *South Devon* Company.

44. Except only so far as is by this Act provided, nothing in this Act shall take away, lessen, prejudice, or alter the Estates, Rights, Interests, Powers, Privileges, or Authorities of the *South Devon* Railway Company.

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

45. Nothing in this Act shall exempt the Railway by this Act authorized from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or the Rates for small Parcels by this Act authorized.

Expenses of Act.

46. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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SCHEDULE.

HEADS OF ARRANGEMENT for the Management, Maintenance, Repair,
and Working by the South Devon Railway Company of the
proposed Kingsbridge Railway.

1. These Heads to be subject to the Sanction of Parliament, and, if practicable, to be scheduled to and confirmed by the proposed Act for incorporating the Kingsbridge Railway Company and authorizing the Kingsbridge Railway.

2. The Kingsbridge Company at their own Expense to make and complete the Kingsbridge Railway, as authorized by the proposed Act, as a single Line, on the Broad Gauge, but with Land for a double Line, and with double Line where requisite, with an Electric Telegraph of Two Wires and Double-needle Instruments, and all proper and sufficient Sidings, Stations, Signals, Works, and Conveniences, including a Junction at the South Brent Station with the South Devon Railway, and all to the reasonable Satisfaction of the South Devon Company's Engineer.

3. A Siding on the South Devon Company's Land, for connecting the Kingsbridge Railway with the South Devon Railway at the South Brent Station thereon, and the requisite enlarging of that Station, to be made at the joint and equal Expense of the Two Companies, the Land to remain the Property of the South Devon Company, and the Siding, with Way leave over the Land and into the Station, to belong to the Kingsbridge Company, and the Siding to be reckoned for all Traffic on the Kingsbridge Railway Part of that Railway, and for all other Traffic Part of the South Devon Railway.

4. All Contracts affecting the Management, Maintenance, Repair, or Working of the Kingsbridge Railway, or involving Conditions or Engagements to be directly or indirectly binding on or fulfilled by the South Devon Company, to be made subject to their Approval.

5. The Kingsbridge Railway and all Works connected therewith to be maintained by the Contractor for making the same for Twelve Months after Completion, to the Satisfaction of the South Devon Company's Engineer.

6. If and whenever after the opening for public Traffic of the Kingsbridge Railway Additions to the Sidings, Stations, Works, or Conveniences thereof are found requisite for Public Safety or Accommodation of Traffic, the Kingsbridge Company to make the same to the reasonable Satisfaction of the South Devon Company's Engineer.

7. The Kingsbridge Company not to be bound by this Arrangement to expend more than the Amount authorized to be raised by them by Shares and by borrowing; but if a greater Expenditure for any of the Purposes aforesaid be found requisite, the Mode and Terms on which the Kingsbridge Company

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are

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are to raise Funds for the Purpose, if not agreed on between the Two Companies, to be determined by Arbitration, subject to the Sanction of Parliament.

8. From and after the opening for public Traffic of the Kingsbridge Railway, the South Devon Company to manage, maintain, repair, stock, man, and work the Kingsbridge Railway, with its Sidings, Stations, Works, and Conveniences fully, conveniently, and efficiently.

9. The South Devon Company to receive all Tolls, Fares, Rates, Charges, Rents, and other Income, both through and local, and otherwise arising from the Undertaking, Railway, and Property of the Kingsbridge Company, as by their Act of Incorporation authorized.

10. The South Devon Company to pay to the Kingsbridge Company half-yearly, by way of commuted Toll, for the User by the South Devon Company of the Kingsbridge Railway, a Sum equal to the Interest for the Half Year on the Debenture Debt of the Kingsbridge Company, the Rate of Interest not to exceed Five Pounds per Centum per Annum; and the Kingsbridge Company to apply the same exclusively in Payment of that Interest, or the South Devon Company, at their Option, to apply the commuted Toll in paying that Interest.

11. The South Devon Company to pay to the Kingsbridge Company half-yearly, after the opening of the Kingsbridge Railway for public Traffic, such a Sum as with that commuted Toll is equal to one Half of the South Devon Company's Receipts under the Ninth Head for the Half Year, the Kingsbridge Company paying the Land Tax, if any, on their Railway and other landed Property, and to retain the other Half of such Receipts for their Expenses of maintaining, managing, and working the Kingsbridge Railway and the Traffic thereof.

12. If in any Half Year the Expenses incurred by the South Devon Railway Company in working the South Devon Railway, and the Branches and Extensions for the Time being worked together therewith, and carried to Account as such in the Revenue Account submitted to the Shareholders for such Half Year, shall be less than Fifty per Cent. of the gross Receipts included in such Account, the Amount to be retained by the South Devon Company for their Expenses of working the Kingsbridge Railway in such Half Year shall be reduced to the same Per-centage of the Receipts therefrom, and the Residue of the Receipts shall be paid over to the Kingsbridge Company.

13. If and whenever the commuted Toll payable under the Tenth Head for any Half Year amounts to more than the Proportion of the South Devon Company's Receipts payable to the Kingsbridge Company under the Eleventh Head, as qualified by the Twelfth Head, then the Excess to be recouped in the next or subsequent Half Years out of the Proportion of those Receipts payable to the Kingsbridge Company under those Heads.

14. The South Devon Company to keep and render and vouch all proper Accounts, &c.

15. All Differences between the Two Companies relating to this Arrangement, and all Questions as to the carrying into effect of any of its Provisions, to be determined by Arbitration under the "Railway Companies Arbitration Act,

Kingsbridge Railway Act, 1864.

Act, 1859," by a single Arbitrator, to be (if not agreed on) nominated by the Board of Trade with ample Powers.

16. A formal Agreement for carrying these Heads into effect to be settled on behalf of the Two Companies by John Bullar, Esquire, or him failing, by Counsel to be (if not agreed on) nominated by the Board of Trade, with such Details and incidental Provisions as he thinks fit, and with such Modifications, if any, as the Companies mutually agree on, and to be executed under Seal, and to be binding on them respectively.

Dated this Third Day of June in the Year of our Lord 1864.

THOS. WOOLCOMBE, Chairman,
South Devon Railway Company.
JOHN ELLIOT.
SAMUEL CORNISH.

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