



CHAPTER ccxxix.

An Act for incorporating the Princetown Railway Company ; and for other purposes. A.D. 1878.
[13th August 1878.] —

WHEREAS the making and maintaining of the railway by this Act authorised would be of public and local advantage :

And whereas the several persons herein-after named, with others, are willing, at their own expense, to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas for a considerable part of the length thereof the railway by this Act authorised will be constructed on the site of the northern part of the Plymouth and Dartmoor Railway, which site will be purchased for the purposes of the railway, and it is therefore expedient that the special provisions in this Act contained with respect to the capital of the Company should be sanctioned :

And whereas it is expedient that the Company and the Great Western Railway Company should be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas it is also expedient that the Great Western Railway Company and the Plymouth and Dartmoor Railway Company respectively should be authorised, if they think fit, to take shares in the capital of the Company and to subscribe towards the cost of the undertaking :

And whereas plans and sections showing the line and levels of the proposed railway and the lands by this Act authorised to be acquired for the purposes thereof, and a book of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Devon, which said plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference :

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A.D. 1878. 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. 1. This Act may be cited for all purposes as the *Princetown Railway Act, 1878.*

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway by this Act authorised; the expression "Great Western Company" means the Great Western Railway Company; the expression "Plymouth and Dartmoor Company" means the Plymouth and Dartmoor Railway Company; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated. 4. Sir Daniel Gooch, Baronet, Sir Charles Alexander Wood, Alexander Hubbard, Henry Brown, Sir Massey Lopes, Baronet, John Winterbotham Batten, and Charles Harrison, junior, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act,

and for those purposes shall be incorporated by the name of the Princetown Railway Company, and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

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5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose ; (that is to say,)

Power to make railway according to deposited plans.

A railway, ten miles two furlongs two chains and eighty links in length, commencing in the parish of Buckland Monachorum by a junction with the South Devon and Tavistock Railway at or near the northern end of the Yelverton siding, and terminating in the parish of Walkhampton at the road leading to Walkhampton Common from the Plymouth and Moretonhampstead old turnpike road near Princetown.

6. Notwithstanding anything herein contained, it shall not be lawful for the Company, or any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the South Devon Railway Company, or in any manner to alter, vary, or interfere with the South Devon and Tavistock Railway, or the works of or connected therewith, without the consent of that Company under their common seal, save only for the purpose of effecting the junction by this Act authorised ; and the South Devon Railway Company may at any time or times hereafter, should it be necessary for them to do so, alter or remove such junction and substitute a new junction therefor, but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised, or unnecessarily interfere therewith, or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction, as the case may be, or the signals, works, and conveniences connected therewith.

Not to take lands or interfere with South Devon and Tavistock Railway except for purpose of a junction.

7. Notwithstanding anything herein contained, it shall not be lawful for the Company, or any person acting under or in execution of this Act, to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Plymouth and Dartmoor Company, or in any manner to alter,

For protection of Plymouth and Dartmoor Railway Company.

A.D. 1878. — vary, or interfere with the Plymouth and Dartmoor Railway, or the works of or connected therewith, without the consent of that Company under their common seal, except under the provisions and subject to the conditions contained in the agreement scheduled to and confirmed by this Act.

Capital. 8. The capital of the Company shall consist of sixty thousand pounds in six thousand shares of ten pounds each ; but the Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share has been paid in respect thereof.

Calls on shares. 9. One fifth of the amount of 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 made in any year upon any share.

Shares to be issued as preferred and deferred shares. 10. Subject to the provisions of this Act, the Company shall create three thousand of the shares to be created and issued by them as A shares to be called "Princetown Railway A shares," eight hundred of the shares to be created and issued by them as B shares to be called "Princetown Railway B shares," and the other two thousand two hundred shall be created and issued as C shares to be called "Princetown Railway C shares."

Dividends on shares. 11. The dividend which will from time to time be payable on the share capital of the Company shall be applied in manner following ; (that is to say,) first, in payment of a dividend at the rate of four per centum per annum on the amount for the time being paid up on the A shares ; second, in payment of a dividend at the rate of four per centum per annum on the amount for the time being paid up on the B shares ; and the remainder (if any) in payment of dividend on the C shares.

Dividend to be paid out of profits of the year only. 12. Each A share shall be entitled out of the profits of each year applicable in that behalf to the dividend attached to it by this Act as aforesaid in priority to the B shares, and each B share shall be entitled out of the profits of each year applicable in that behalf to the dividend attached to it by this Act as aforesaid in priority to the C shares ; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any A share for that year, or on any B share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

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13. The terms and conditions on which any share created under this Act is issued shall be stated on the certificate of each such share.

Terms of issue to be stated in certificates.

14. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole the sum of twenty thousand pounds at interest not exceeding the rate of four pounds and ten shillings per centum per annum, but no part thereof shall be borrowed until the whole capital of sixty thousand pounds is issued and accepted, and one half thereof 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 such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to borrow on mortgage.

8 & 9 Vict. c. 16.

15. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

As to appointment of a receiver.

16. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything in that Act contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages, and the interest on such debenture stock shall not exceed the rate of four pounds ten shillings per centum per annum.

Debenture stock.

25 & 27 Vict. c. 118.

17. The receipt of the guardian of the estate of any shareholder being a minor, or of the committee of the estate of any shareholder being an idiot, lunatic, or person non compos mentis, shall be a

Receipt in case of persons not sui juris.

A.D. 1878. sufficient discharge to the Company for any money payable to such shareholder.

Application of moneys. **18.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting. **19.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors. **20.** The number of directors shall be seven.

Qualification of directors. **21.** The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum. **22.** The quorum of a meeting of directors shall be four.

First directors. **23.** Sir Daniel Gooch, Baronet, Sir Charles Alexander Wood, Alexander Hubbard, Henry Brown, Sir Massey Lopes, Baronet, John Winterbotham Batten, and Charles Harrison, junior, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845, contained; and the several persons elected at any such meeting, being neither removed nor disqualified, and not having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

8 & 9 Vict. c. 16.]

Lands for extraordinary purposes. 8 & 9 Vict. c. 20. **24.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed five acres.

Period for compulsory purchase of lands. **25.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers to cross certain roads on the level. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. **26.** Subject to the provisions of the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained, in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line of railway

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only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

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No. on deposited Plan.	Parish.	Description of Road.
1	Walkhampton - -	Public road.
24	Walkhampton - -	Public road.
14	Meavy - -	Public road.
33	Walkhampton - -	Public road.
32	Buckland Monachorum -	Public road.

27. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Inclination of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
10	Buckland Monachorum.	Public road -	1 in 12.
3	Meavy - -	Public road -	1 in 12.
31	Meavy - -	Public road -	1 in 14 on one side; level on the other.

23. The Company may make the arches of the bridges for carrying the works by this Act authorised over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion with those roads respectively; (that is to say,)

Span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
31	Meavy - -	Public road -	16 feet	15 feet.
41	Walkhampton -	Public road -	16 feet	15 feet.

29. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter twenty, a sum of two thousand eight hundred and fifty-seven pounds fourteen shillings Consolidated Three per Cent. Annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railway, has been transferred into the Chancery Division of the High Court of Justice in England, in

Deposit money not to be repaid until line opened or half the capital paid up and expended.

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respect of the application to Parliament for this Act, which annuities are in this Act referred to as the deposit fund : Be it enacted, that, notwithstanding anything contained in the said recited Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, (which persons, survivors or survivor, are or is in this Act referred to as the "depositors,") unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, open the said railway for the public conveyance of passengers ; provided that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers, then on production of a certificate of the Board of Trade specifying the length of the portion of the said railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said railway so opened bears to the entire length of the said railway hereby authorised, the court shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct ; and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding.

Application
of deposit.

30. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made, complete the said railway and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, or any sum of money recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall have been distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division may seem fit ; and if no such compensation shall be payable, or if a portion of the

deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court thinks fit to order, on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

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31. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

32. Whereas the railway rises continuously for the greater part of its length through Dartmoor, the population is very small, and the traffic on the railway is expected to be of an exceptional character, therefore the Company may demand any tolls for the use of the railway not exceeding the following; (that is to say,)

Tolls.

For every passenger conveyed in a first-class carriage by any train, the sum of fourpence per mile:

For passengers.

For every passenger conveyed in a second-class carriage by any train, the sum of threepence per mile:

For every passenger conveyed in a third-class carriage by any train, the sum of twopence per mile.

And with respect to horses, cattle, carriages, and goods, as follows:

For cattle, goods, &c.

For every horse, mule, and other beast of draught or burden, sixpence per mile:

For horned cattle the sum of threepence per head per mile; and if conveyed in carriages belonging to the Company, an additional sum of one penny per head:

For calves, pigs, sheep, and small animals, one penny each per

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mile; and if conveyed in carriages belonging to the Company, an additional sum of one halfpenny per head:

For every private carriage, one shilling per mile:

Tonnage on
articles of
merchandise.

For all coals, coke, culm, cannel, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, limestone, lime, bricks, salt, sand, fire-clay, cinders, slag, and stone, per ton per mile fourpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, charcoal, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specifically classified herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding fivepence; and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny:

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile sixpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For cotton, and other wools, drugs, and manufactured goods, the sum of eightpence per ton per mile; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

For fish, and all other wares, merchandise, articles, matters, or things per ton per mile not exceeding tenpence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny.

Tolls for
propelling
power.

33. The toll which the Company may demand for the use of engines for propelling the carriages of other parties on the said railway shall not exceed twopence per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls or sums by this Act authorised to be taken for the use of the said railway.

Maximum
rates of
charges.

34. The maximum rate of charge to be made by the Company for the conveyance of passengers along the said railway, including the tolls for the use of the said railway and of carriages, and for locomotive power and every other expense incidental to such conveyance as aforesaid, except government duty, shall not exceed the following sums; (that is to say,)

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For every passenger conveyed in a first-class carriage by any train, the sum of fourpence per mile :

For every passenger conveyed in a second-class carriage by any train, the sum of threepence per mile :

For every passenger conveyed in a third-class carriage by any such other train, the sum of twopence per mile.

35. And with respect to the conveyance of goods, the maximum rates of charge to be made by the Company for the conveyance thereof along the said railway, including the tolls for the use of the said railway and waggons or trucks, and locomotive power, and every expense incidental to such conveyance, except a reasonable sum for loading, covering, unloading, wharfage, or other warehouse accommodation of 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,)

For cattle,
goods, &c.

For every horse, mule, and other beast of draught or burden, eightpence per mile :

For horned cattle, the sum of fourpence per head per mile :

For calves, pigs, sheep, and small animals, twopence each per mile :

For every private carriage, one shilling and sixpence per mile :

For all coal, coke, ironstone, and other articles herein-before classed therewith, the sum of fivepence per ton per mile :

For all dung, compost, and other articles herein-before classed therewith, the sum of sixpence per ton per mile :

For all sugar, grain, and other articles herein-before classed therewith, the sum of sevenpence per ton per mile :

For all cotton, and other articles herein-before classed therewith, the sum of ninepence per ton per mile :

For fish, and all other wares, merchandise, articles, matters, and things, the sum of tenpence per ton per mile.

36. The following provisions and regulations (save as herein-after provided) shall be applicable to the fixing of all the above tolls and charges :

Regulations
as to the
tolls.

For articles or persons conveyed on the railway for a less distance than six miles, the Company may demand tolls and charges as for six miles :

For a fraction of a mile beyond six miles, or beyond any greater number of miles, the Company may demand tolls 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 :

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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, and so in proportion for any smaller quantity.

Tolls for
small parcels
and single
articles
of great
weight.

37. With respect to small parcels not exceeding five hundred pounds in weight, 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; (that is to say,)

For the carriage of small parcels on the railway, or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence;

And for parcels exceeding fifty-six pounds in weight but 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 one boiler, cylinder, or single piece of machinery, 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 two shillings 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:

For the carriage of any consignment of timber, stone, machinery, or other article which, on account of the length thereof or any other cause, may require that one or more than one carriage or truck should be specially appropriated to the carriage thereof, the Company may demand such sum as they think fit.

38. 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, 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.

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Passengers
luggage.

39. Nothing herein contained shall be held to prevent the said Company from taking any increased charge over and above the charges herein-before limited for the conveyance of goods of any description by agreement with the owners of or persons in charge of such goods, either in respect of the conveyance thereof by passenger trains, or by reason of any other special service performed by the said Company in relation thereto.

Company
may take
increased
charges by
agreement.

40. The restriction as to the charges to be made for passengers shall not extend to any special or extra trains that may be required upon the said railways, but shall apply only to the ordinary trains appointed or to be appointed from time to time by the Company for the conveyance of passengers and goods upon the said railway.

Restriction
as to charges
not to apply
to special
trains.

41. The Company and the Great Western Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect working agreements with respect to the following purposes, or any of them; (that is to say,)

Working
arrange-
ments
with Great
Western
Railway
Company.

The working, use, management, and maintenance of the railway and works, or some part or parts thereof :

The supply, during the continuance of such agreement, of rolling stock, plant, and machinery necessary for the purposes thereof :

The interchange, accommodation, conveyance, transmission, and delivery of traffic coming from or destined for the respective railways of the contracting companies, and the apportionment, division, and appropriation of the receipts arising from such traffic or other income :

The appointment and removal of officers and servants for the conduct of the traffic on the railways :

The payment of any fixed or contingent rent :

The payments to be made and the conditions to be performed with respect to the matters aforesaid.

42. During the continuance of any agreement to be entered into under the provisions of this Act for the working of the railway by the Great Western Company, the railways of the Company and of the Great Western Company shall for the purposes of short-distance

Tolls on
traffic con-
veyed partly
on the rail-
way and
partly on

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the Great
Western
Railway.

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 Great Western Company, or either of them, for a less distance than six miles, tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six 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, or goods partly on the railway of the Company and partly on the railway of such other company.

Saving rights
of certain
railway
companies.

43. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Great Western Company, the South Devon Railway Company, and the Plymouth and Dartmoor Company respectively.

Power to
Great
Western
and Ply-
mouth and
Dartmoor
Railway
Companies
to subscribe;

44. The Great Western Company and the Plymouth and Dartmoor Company respectively may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the respective companies specially convened for the purpose, from time to time subscribe any sum which they may think fit towards the undertaking of the Company by this Act authorised, not exceeding in the whole thirty thousand pounds by the Great Western Company, and which shall be subscribed only on the issue to them of A shares, and not exceeding in the whole twenty-two thousand pounds by the Plymouth and Dartmoor Company, and which shall be subscribed only on the issue to them of C shares; and the Great Western Company and the Plymouth and Dartmoor Company respectively may, with the like authority, contribute and apply in payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their respective undertakings, or the Plymouth and Dartmoor Company may, with the like authority, apply for the purpose of their contribution or subscription the whole or any part of the moneys which may represent the value of so much of their undertaking as is or may be taken for the purposes of the railway.

The Great Western Company and the Plymouth and Dartmoor Company respectively shall, in respect of the sums subscribed and the corresponding shares in the undertaking of the Company held by them, have all the powers, rights, and privileges, except in regard to voting at general meetings, which shall be as herein-after provided,

and be subject to all the obligations and liabilities of the proprietors of shares in that undertaking: Provided always, that the Great Western Company shall not sell, dispose of, or transfer any of the shares in the undertaking of the Company for which they may subscribe, and the Plymouth and Dartmoor Company shall allot the shares received by them rateably among their shareholders.

A.D. 1878.

45. The Great Western Company and the Plymouth and Dartmoor Company respectively, while shareholders in the said undertaking of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder in the Company at such meetings, and may vote thereat in respect of the capital held by the Great Western Company and the Plymouth and Dartmoor Company respectively in that undertaking in the proportion of three votes for every one hundred pounds of capital so held by them, and every such appointment by the Company of any person to vote on their behalf shall be delivered to the Company and kept with their records, and shall be at all reasonable times open to the inspection and transcription of all parties interested, and every such instrument shall, as between the Great Western Company and the Plymouth and Dartmoor Company respectively and the Company, be sufficient evidence of the facts therein stated.

and to appoint persons to vote at general meetings.

46. If the Great Western Company subscribe towards the undertaking of the Company as aforesaid, the directors of the Great Western Company may from time to time appoint four directors of the Company, and no other qualification than being appointed by the directors of the Great Western Company shall be requisite for such directors, and the Great Western Company may at pleasure revoke any such appointment, and the person or persons so from time to time appointed by them shall accordingly be directors of the Company, and shall have the same powers and be subject to the same regulations and provisions as the other directors of the Company, except as to retiring from office by rotation and voting at general meetings of the Company, unless specially appointed for that purpose by the Great Western Company as in this Act mentioned: Provided always, that all such appointments and revocations shall be testified in writing under the hand of the secretary of the Great Western Company, and shall be delivered to the directors of the Company, and shall be kept with their records, and an entry of every such appointment and revocation shall be made in the minutes of their proceedings.

As to appointment of directors of Company by Great Western Railway Company.

47. The agreement contained in the schedule hereto, made between the provisional directors for promoting the railway by

Agreement with the Plymouth

A.D. 1878. this Act authorised of the first part and the Plymouth and Dart-
and Dart- moor Company of the second part, is hereby confirmed and made
moor Rail- binding on the Company by this Act incorporated and the
way Com- Plymouth and Dartmoor Company, and shall be carried into effect
pany con- accordingly.
firmed.

Interest not to be paid on calls paid up. 48. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or 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 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.

8 & 9 Vict. c. 16.

Deposits for future Bills not to be paid out of capital. 49. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Railway Acts. 50. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act. 51. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation hereto, shall be paid by the Company.

SCHEDULE.

A.D. 1878.

MEMORANDUM OF AGREEMENT made and entered into the 16th day of July 1878, between the undersigned Provisional Directors of the Princetown Railway (herein-after called the Promoters) and the Plymouth and Dartmoor Railway Company (herein-after called the Plymouth and Dartmoor Company).

WHEREAS the Promoters have prepared and are promoting in the present session of Parliament a Bill to incorporate a Company, and to authorise such Company to construct "a railway commencing in the parish of Buckland Monachorum by a junction with the South Devon and Tavistock Railway at or near the northern end of the Yelverton siding, and terminating in the parish of Walkhampton at the road leading to Walkhampton Common from the Plymouth and Moretonhampstead old turnpike road near Princetown:"

And whereas the Plymouth and Dartmoor Company are the owners of a railway or tramway which extends from Dartmoor to Plymouth, and part of such railway or tramway could be conveniently and economically used for the construction of part of the intended railway :

It has therefore been mutually agreed between the Promoters, on behalf of the intended Princetown Company, and the Plymouth and Dartmoor Company, as follows :

First. The Plymouth and Dartmoor Company shall sell to the Company to be incorporated by the said Bill (herein-after called the Princetown Company), and the Princetown Company shall purchase, so much of the railway or tramway, and the lands, works, and conveniences on or connected therewith, including the site thereof, as lies between the termination of the said railway or tramway at Princetown and the property No. 19, in the parish of Buckland Monachorum, on the plans deposited in respect of the said intended railway in the Private Bill Office of the House of Commons on or before the 30th day of November 1877, and also the rails, chairs, sleepers, and conveniences on or connected with the said portion of railway or tramway.

Second. The consideration agreed upon between the Promoters and the Plymouth and Dartmoor Company for the said portion of railway or tramway, and the other property referred to in the last preceding article, is the issue to the Plymouth and Dartmoor Company of two thousand two hundred Princetown Railway C shares of ten pounds each, all fully paid up, and such shares shall be accepted by the Plymouth and Dartmoor Company in full satisfaction of the price of the said portion of railway or tramway and other property aforesaid.

Third. This agreement to be scheduled to and confirmed by the intended Act, and to be subject to such alterations as Parliament may think fit to

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make therein; but if the Committee on the Bill make any material alteration respecting the provisions thereof, it shall be competent for either of the parties hereto to withdraw therefrom.

Fourth. Except as herein otherwise provided, if and whenever any difference arises between the Plymouth and Dartmoor Company and the Princetown Company as to the true intent or construction of this agreement, or as to anything to be done, suffered, or omitted in pursuance thereof, or the carrying the same into effect, every such difference shall be referred to and determined by arbitration, in accordance with the provisions of the Railway Companies Arbitration Act, 1859, and every question or matter so referred shall be deemed to be in difference between the Plymouth and Dartmoor and Princetown Companies, and this article shall accordingly be and have affect as an agreement between the parties hereto for arbitration under that Act.

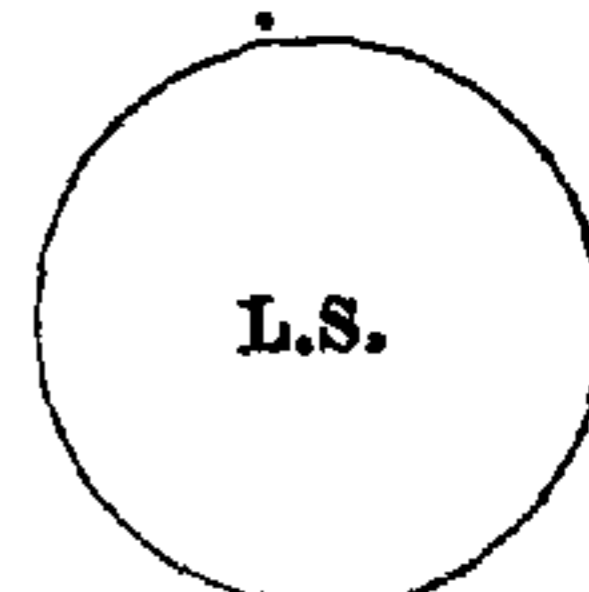
In witness whereof the parties hereto of the first part have hereunto set their hands and seals respectively, and the Plymouth and Dartmoor Railway Company have hereunto affixed their common seal, the day and year first above-written.

The seal of the Plymouth and Dartmoor Railway Company was affixed hereto, in the presence of

JOHN W. BATTEN,
Director.



Signed, sealed, and delivered by Sir Daniel Gooch, in the presence of DANL. GOOCH.
J. D. HIGGINS.



Signed, sealed, and delivered by Sir Charles Alexander Wood, in the presence of C. ALEXANDER WOOD.
J. DUNPHY.

