



CHAPTER xviii.

An Act for incorporating the Bideford Westward Ho! and Appledore Railway Company and for other purposes. A.D. 1896.

[21st May 1896.]

WHEREAS the construction of the railway or tramway and railways herein-after described in the county of Devon 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 by this Act authorised into execution on being incorporated into a company for the purpose:

And whereas it is expedient that the powers in this Act contained relative to the providing by the Company of hotels and hotel accommodation and refreshment rooms omnibuses and vehicles and the granting and holding of licences should be conferred upon the Company:

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest on the amount paid up from time to time in respect of the shares in their capital as by this Act provided:

And whereas plans and sections showing the lines and levels of the railway or tramway and railways authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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

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Railway Act, 1896.

A.D. 1896. — 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 be cited as the *Bideford Westward Ho! and Appledore Railway Act 1896.*

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (construction of railways) and Part III. (working agreements) of the Railways Clauses Act 1863 and the Tramways Act 1870 so far only as relates to Railway or Tramway No. 1 by this Act authorised are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially 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 expressions "the railway" and "the undertaking" mean respectively the railway or tramway and railways and the undertaking by this Act authorised and for the purposes of this Act 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. George Mill Frederick Molesworth George James Taylor and Charles Eagle Bott 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 and are hereby incorporated by the name of "The Bideford Westward Ho! and Appledore 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.

Power to make railway. 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 sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. A.D. 1896.

The railway herein-before referred to and authorised by this Act is—

A Railway or Tramway (No. 1) one furlong nine chains and fifty links in length of which three chains is double line and one furlong six chains and fifty links is single line commencing in the parish and borough of Bideford in the centre of the street running alongside of and parallel with the quay at Bideford aforesaid at a point twelve yards or thereabouts measured in a northerly direction from an imaginary line extended from the westernmost end of the bridge known as Bideford Bridge and in a line with the northern parapet of that bridge to the centre of the roadway of such street and terminating in the said parish and borough of Bideford at a point five yards or thereabouts measured in an easterly direction from the north-east corner and in line with the north face of the building known as the municipal technical school at Bideford ;

A Railway (No. 2) four miles three furlongs nine chains and ninety links in length commencing at the point of termination of the said Railway or Tramway No. 1 and terminating in the parish of Northam at a point seventy-nine yards or thereabouts measured in a northerly direction along the west side of the roadway leading from Nelson Terrace to the Pebbleridge at Westward Ho ! in the said parish of Northam from an imaginary line drawn from the north-west corner and in line with the north front of the said Nelson Terrace ;

A Railway (No. 3) two miles three furlongs and 4·20 chains in length commencing at the point of termination of Railway No. 2 and terminating in the said parish of Northam at a point twenty yards or thereabouts from the north-west corner of the national school at Appledore measured in a westerly direction in line with the north face of the said schoolhouse.

6. Subject to the provisions in this Act contained as to the Railway or Tramway No. 1 by this Act authorised and to the provisions of sections 28 and 29 of the Regulation of Railways Act 1868 the railway may if so resolved by the directors of the Company be constructed and worked as a light railway. Railway may be a light railway.

7. The railway shall be made and maintained on a gauge of three feet Provided that it shall be lawful for the Company at any Gauge of railway.

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time hereafter with the previous approval of the Board of Trade to increase the gauge from three feet to any gauge not exceeding four feet eight and a half inches Provided further that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the railway.

Capital.

8. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

10. One-fifth of the amount of a share shall be the greatest amount of a call and two 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.

Receipt in case of persons not sui juris.

11. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

12. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividend on half shares.

13. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say):—

First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a

general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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14. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number 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 preferred half 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.

Dividend on preferred shares to be paid out of the profits of the year only.

15. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

16. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

17. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

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Preferred
shares not to be
cancelled or
surrendered.

Half shares
to be half
shares in
capital.

18. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

19. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities and incidents as attach and are incident to an entire share.

Power to
borrow.

20. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixteen thousand six hundred and sixty-six pounds and of that sum they may borrow any sum not exceeding four thousand one hundred and sixty-six pounds in respect of each twelve thousand five hundred pounds of their capital but no part of any of such sum of four thousand one hundred and sixty-six pounds shall be borrowed until the whole of the respective portion of twelve thousand five hundred pounds of the capital of fifty thousand pounds in respect of which the same is borrowed is issued and accepted and one half thereof 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 such portion of 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 portion of capital has been paid on account thereof before or at the time of issue or acceptance thereof and the Company have proved to such justice as aforesaid (before he so certifies) that such portion of 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. Provided that the Company shall not be entitled to exercise any power of borrowing under the provisions of this section until they shall have constructed continuous railway or tramway and railway equal in length to one-fourth of the tramway and railways by this Act authorised.

For appoint-
ment of a
receiver.

21. The mortgagees of the undertaking 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 five hundred pounds in the whole. A.D. 1896.

22. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

23. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

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

25. The quorum for general meetings whether ordinary or extraordinary shall be five shareholders present either personally or by proxy holding together not less than two thousand pounds in the capital of the Company. Quorum for meetings of the Company.

26. The number of directors shall be not more than four but the Company may from time to time reduce and again increase the number provided that the number be not less than two. Number of directors.

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

28. The quorum of a meeting of directors shall be two. Quorum of directors.

29. George Mill Frederick Molesworth George James Taylor and Charles Eagle Bott 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 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 being if they continue qualified eligible for re-election and at the first ordinary meeting to First directors.
Election of directors.

A.D. 1896. 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 varying 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 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

30. 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 but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for compulsory purchase of lands.

31. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to cross roads on the level.

32. Subject to the provisions in 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 only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say):—

No. of Railway.	No. on Deposited Plans.	Parish.	Description of Road.
2	10	Northam - -	Public
2	14	Northam - -	Public
2	11	Bideford - -	Public
2	11	Abbotsham - -	Public
2	28	Abbotsham - -	Public
3	8	Northam - -	Public
3	10a	Northam - -	Public
3	25	Northam - -	Public
3	52	Northam - -	Public

Inclination of roads.

33. 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): A.D. 1896.

No. of Railway.	No. on Deposited Plans.	Parish.	Description of Roads.	Intended Inclination.
3	8	Northam	Public	1 in 20
3	10a	Northam	Public	1 in 20

34. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

35. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

36. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of seven hundred and fifty pounds two and three-quarters per centum consolidated stock being equal to five per cent. upon the amount of the estimate in respect of the railway has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as "the deposit fund"

Deposit money not to be repaid except so far as railway is opened.

A.D. 1896. — Be it enacted that notwithstanding anything contained in the said Act the said 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 open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the 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 railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

37. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same 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 shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has 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 if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has 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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38. With reference to Railway or Tramway No. 1 by this Act authorised (in this section referred to as the tramway) the following provisions shall have effect namely:—

Provisions as to Railway or Tramway No. 1.

(A) The carriages used on the tramway may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary of the said Board by steam or electric power or such other mechanical power as may be from time to time approved by the Board of Trade Provided always that the exercise of the powers hereby conferred with respect to the use of any power other than animal power shall be subject to the regulations set forth in the schedule to this Act annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of any power other than animal power on the tramway:

Carriages on tramway may be moved by animal electric or mechanical power.

(B) The Company or any other company or person using steam or any mechanical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence

Penalty for using steam or mechanical power contrary to Act or regulations.

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continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the tramway under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

Byelaws.

(c) Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to the tramway upon which any power other than animal power may be used under the authority of this Act for all or any of the following purposes (that is to say):—

For regulating the use of the bell whistle or other warning apparatus fixed to the motors or carriages;

For providing that engines motors and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on such tramway and the protection of passengers from any machinery or motor used for drawing or propelling such carriages;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to such tramway by exhibition of the same in conspicuous places on the carriages and elsewhere;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings:

(d) The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Act

As to recovery of penalties.

and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act: A.D. 1896.

(E) The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation made by the Board of Trade under the authority of this Act at which motors or carriages are to be driven or propelled on the tramway under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed: Amendment of Tramways Act 1870 as to byelaws by local authority.

(F) All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to have been duly made or given in accordance with the provisions of this Act and to be orders and regulations within the meaning of the Documentary Evidence Act 1868 and may be proved accordingly: Orders and byelaws.

(G) Where the Company or any other company or person intend or intends to use any power other than animal power under the authority of this Act on the tramway or any part thereof they or he shall give two months previous notice in writing of such intention to the road authority within whose district the tramway or any part thereof upon which they or he intend or intends to use such power is situate; As to contracts with road authorities where power other than animal power is used.

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramway or such part thereof is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice

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to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of any power other than animal power upon the tramway or such part thereof be determined and of no effect;

Before using steam or any power other than animal power on the tramway or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which the tramway or such part of the tramway is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve;

In case any difference arises between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed. Provided always that while

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any such appeal is pending the Board of Trade may order that no power other than animal power shall be used on the tramway to which such appeal relates ;

No steam or other mechanical power shall be used on the tramway or any part of the tramway unless there is in force in relation to the tramway or such part thereof a contract agreement or arrangement in accordance with the provisions of this section ;

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramway is laid :

(H) Where steam or other mechanical power is used by the Company or any other company or person on the tramway or any part thereof no contract agreement or arrangement made before or after the commencement of the use of any such power with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which the tramway or such part thereof is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of any power other than animal power as aforesaid or the making of such contract agreement or arrangement: Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof :

Where power other than animal power is used contract with road authority not to be for longer than two years at a time.

(I) Subject to the provisions of this Act the tramway shall be constructed with two rails on the gauge provided for by this Act and shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the street or road :

Mode of formation of tramway.

(J) The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade :

Inspection by Board of Trade.

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Tramway to
be kept on
level of
surface of
road.

Further
provisions as
to construc-
tion of
tramway.

As to rails
of tramway.

Penalty for
not main-
taining rails
and roads.

(K) If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramway is laid or authorised to be laid the Company may and shall from time to time forthwith alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered and in default thereof the road authority (without prejudice to any other remedy) may so alter the rails and recover the cost of and incident thereto from the Company in any court of competent jurisdiction :

(L) In addition to the requirements of section 26 of the Tramways Act the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining or renewing the tramway lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing the same and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance (except for the purpose of necessary repairs) or renewal of the tramway or any part thereof until such plan and statement have been approved by the Board of Trade and the road authority and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section 26 of the said Act :

(M) The rails of the tramway shall be such as the Board of Trade may approve :

(N) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of sections 25 and 28 of the Tramways Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act ;

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the

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requirements of section 28 of the Tramways Act the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed :

(o) Every sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to construct lay down maintain alter and remove any new or additional sewers and drains and to lay lateral and private drains to communicate with their existing sewers or drains or any such new or additional sewers and drains without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water :

Sanitary authority to have access to sewers.

(p) The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramway including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements :

Company may be required to use improved form of rail.

(q) The Company may subject to the provisions of this Act and with the previous consent in writing of the local authority and road authority from time to time make maintain alter and remove such crossings, passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramway or for providing access to any warehouses stables or carriage-houses sheds or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than ten feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto :

Power to make additional crossings &c.

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Agreements
between the
Company
and road
authorities.

Temporary
tramways to
be made
where
necessary.

Application
of road
materials
excavated in
construction
of works.

(R) The Company and any road authority may subject to the provisions of this Act from time to time enter into agreements with respect to the constructing forming laying down maintaining removing renewing repairing and using of the tramway and the rails plates sleepers and works connected therewith and with respect to the widening and improvement of any roads or streets upon or along which the tramway or any part thereof is or is intended to be laid or constructed and for facilitating the passage of carriages and traffic over and along the same or any part thereof:

(S) Where by reason of the execution of any work affecting the surface and soil of any road along which the tramway is laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent in writing of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part thereof so removed or discontinued;

If any difference arise between the Company and any road authority with respect to the reasonableness of any such conditions or regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act for the settlement of the differences in that section mentioned:

(T) Any paving metalling or material excavated by the Company in the construction of the tramway from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway on either side of such tramway as the Company are by section 28 of the Tramways Act required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same

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Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material or so much thereof as may not have been removed by such surveyor or person shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act with respect to differences between the Company and any road authority :

- (u) Nothing in this Act contained shall exempt the Company or the tramway from the provisions of any general Act relating to tramways 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 or charges authorised by this Act : Provisions as to general Tramway Acts.
- (v) Where under the provisions of the Tramways Act or this Act any matter in difference is referred to the arbitration of any person to be nominated by the Board of Trade the provisions of the Arbitration Act 1889 or any Act or rules whereby the same has been or may be modified or superseded shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties : Provisions as to arbitration.
- (w) With respect to notices and the delivery thereof by or to the Company the following provisions shall have effect (namely) :— Form and delivery of notices.
- (1) Every notice shall be in writing or print (including lithograph) or partly in writing and partly in print and if given by the Company or by the local or road authority shall be sufficiently authenticated by being signed by their secretary or clerk ;
 - (2) Any notice to be delivered by or to the Company to or by the local or road authority or other body may be delivered by being left at the principal office of such local or road authority or other body or of the Company (as the case may be) or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to such other office as the local or road authority or other body or the Company (as the case may be) may from time to time by notice to the other request

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that such notices may be sent or delivered and every such letter shall be deemed to be received by the local or road authority or other body or by the Company (as the case may be) on the day on which the same ought to be delivered at their principal or other office as aforesaid in the ordinary course of post :

Provisions of section 45 of Tramways Act 1870 not to apply.

(x) The provisions of section 45 of the Tramways Act 1870 as to the exhibition of tolls and charges shall not apply to the tramway :

Subject to the provisions in this section contained the Company may construct maintain and work the tramway as part of the undertaking and may run thereon carriages and trucks adapted to run upon the railway and may demand and take in respect thereof the tolls rates and charges by this Act authorised to be demanded and taken by the Company.

Provisions as to use of electric power.

39. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :—

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :
- (3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with the regulations to be prescribed by the Board of Trade (herein-after referred to as "the prescribed regulations") and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any

regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

- (5) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious

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interference therewith and with the currents therein by or from other electric currents. If any difference arises between the Company and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

- (6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes.

For pro-
tection of the
Postmaster-
General.

40. In the event of Railway or Tramway No. 1 by this Act authorised being worked by electricity the following provisions shall have effect :—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3)—(a) Before any electric line is laid down or any act or work for working the said railway or tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines

crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work ;

(b) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

- (4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation

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which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

- (8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

For protection of the corporation of Bideford.

41. For the protection of the mayor aldermen and burgesses of the borough of Bideford (in this section referred to as "the corporation") the following provisions shall have effect:—

- (1) The Company shall not without the consent of the corporation in writing under their seal construct that portion of Railway or Tramway No. 1 which lies between its point of commencement and a point on the Broad Quay opposite the south corner of Mr. Trewin's stores on the Broad Quay :
- (2) The Company shall not use the said Railway or Tramway No. 1 for goods traffic but may for the purposes of such traffic make and use a siding from the said Railway or Tramway No. 1 at or near its termination to a point on the portion of the quay outside the iron railing lying between the promenade and the river opposite the north corner of Mrs. Freeman's house as shown by a red line on the plan signed by James William Lowther Esquire the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and which plan has been deposited in the Private Bill Office and such siding shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road :
- (3) Railway No. 2 by this Act authorised shall for a distance of 200 yards from its commencement be constructed as a tramway and shall be laid as near the centre of the new roadway

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intended to be constructed by the corporation on the site of the River Pill as the requirements of the Board of Trade will admit of and the Company shall to the extent to which it is intended to construct such last-mentioned portion of Railway No. 2 on the said new roadway and within three years from the passing of this Act fill in at their own expense so much of the River Pill as shall be required for the purpose of the construction of so much of the said Railway No. 2 as shall be laid upon the said intended new road and shall in all things complete such filling in to the reasonable satisfaction of the corporation or their surveyor for the time being so as to admit of so much of the said Railway No. 2 being laid on the said new road and the provisions of the Tramways Act 1870 incorporated with this Act and of section 38 of this Act shall apply to so much of Railway No. 2 as shall be constructed as a tramway :

- (4) The corporation shall so far as they legally can give all such licences and consents as may be necessary to enable the Company expeditiously to carry out the filling in of so much as aforesaid of the River Pill and the completion thereof so that such filling in and completion shall cause no delay to the construction and opening of the said railway :
- (5) The Railways Clauses Consolidation Act 1845 and Part I. (construction of a railway) of the Railways Clauses Act 1863 incorporated with this Act shall not apply to Railway or Tramway No. 1 or to so much of Railway No. 2 as shall be constructed as a tramway under the provisions of this section and the Company shall not acquire any right other than that of user of or over any street or road along or across which Railway or Tramway No. 1 and so much of Railway No. 2 as aforesaid shall be laid.

42. 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 except as to so much thereof as is then completed.

Period for completion of works.

43. The Company may demand and take for the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit.

Tolls.

44. The classification of merchandise traffic (including perishable merchandise exceeding fifty-six pounds in weight by passenger train) and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the London and South Western Railway Company (Rates and Charges)

Rates for merchandise.

A.D. 1896. Order 1891 (which Order is scheduled to and confirmed by the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for
small parcels.

45. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger train (other than small parcels of perishable merchandise exceeding fifty-six pounds in weight) the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence;

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; and

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Maximum
rates for
conveyance
of passen-
gers.

46. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a second-class carriage twopence per mile;

For every passenger conveyed in a third-class carriage one penny per mile;

For every passenger conveyed on the railway for a less distance than four miles the Company may charge as for four miles and every fraction of a mile beyond four miles or any greater number of miles shall be deemed a mile.

47. 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.

48. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they shall think fit but shall only apply to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Foregoing
charges not
to apply to
special
trains.

49. The Company with the previous approval of the votes of three-fourths of the shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may from time to time acquire take on lease erect provide hold enjoy and maintain an hotel or hotels at Abbotsham Westward Ho! and Appledore or any of those places as part of their undertaking and may provide refreshment rooms at their stations and may furnish stock equip and manage any such hotel or hotels and refreshment rooms and may conduct the business thereof and may employ officers managers and servants therein or in connexion therewith and may notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained appropriate to and use for the before-mentioned purposes or any of them any lands acquired by them by agreement or otherwise and not required for the purposes of the railway and may let on lease or otherwise for a term not exceeding twenty-one years any hotel provided by them under the powers of this section.

Company
may provide
hotel accom-
modation.

50. Notwithstanding anything contained in any Act relating to the granting of licences for the sale of wine spirits beer exciseable liquors or cider any corporation or other body or any justices or other persons or person being by law authorised to grant such licences may if they or he think fit grant to any person or persons nominated in that behalf by the Company by writing under the hand of their secretary a licence or licences for the sale of wine spirits beer exciseable liquors cider tobacco and cigars or any of those articles at any hotel or refreshment rooms belonging to leased managed and conducted by the Company although the person or persons so nominated is or are not the real resident holder and occupier of any such premises.

Provision as
to licences
for sale of
wine &c.

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Company
may acquire
and work
omnibuses
vehicles &c.

51. The Company may with the like approval in connexion with their undertaking for the purposes of traffic between the Bideford Station of the London and South Western Railway and the Railway at Bideford and Westward Ho! and between any hotel of the Company and any station of the Company purchase and acquire work and use horses and omnibuses and other vehicles and may in their own name or in the name or names of any agent or agents apply for and hold any licences for any such horses and omnibuses and other vehicles and may erect on any lands acquired by them as aforesaid stables and accommodation for any such horses and omnibuses and other vehicles and may take and collect fares and charges for the use of such omnibuses and other vehicles and may for the purposes of such traffic enter into and carry into effect contracts and agreements with proprietors of omnibuses and other vehicles for the purchase and acquisition of their stock-in-trade or otherwise.

Power to
pay interest
out of capital
during con-
struction.

52. Notwithstanding anything in this Act or any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised on the issue of any portion of their share capital to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the portion of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C) The aggregate amount to be so paid for interest shall not exceed seven hundred and fifty pounds in respect of each portion of twelve thousand five hundred pounds of their capital from time to time raised and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers

shall be reduced to the extent of one-third of the amount paid for interest as aforesaid: A.D. 1896.

(D) Notice that the Company has power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

53. 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. Deposits for future Bills not to be paid out of capital.

54. Nothing in this Act contained shall exempt the Company or the railway 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. Provision as to general Railway Acts.

55. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be borne by the Company. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

Break power
or engines.

Every engine used on the tramway shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings
of engines &c.

Every engine used on the tramway shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to
carriages.

Every carriage used on the tramway shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramway and the machinery therein and may whenever they think fit prohibit the use on the tramway of any such engine or carriage which in their opinion may not be safe for use on the tramway.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramway shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing-points on the tramway shall not exceed the rate of four miles an hour.

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