



ANNO DECIMO OCTAVO & DECIMO NONO

VICTORIÆ REGINÆ.

Cap. cxxii.

An Act for making Railways from the *South Devon* Railway to *Exmouth*, and to the Basin of the *Exeter* Canal, to be called The *Exeter and Exmouth* Railway. [2d July 1855.]

WHEREAS the making of a Railway from the *South Devon* Railway in the Parish of *Exminster* to the Town of *Exmouth*, with a Branch from the *South Devon* Railway in the Parish of *Alphington* to the Basin of the *Exeter* Canal, would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution; but for such Purpose the Authority of Parliament is necessary: 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The "Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

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

[Local.]

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II. John

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Subscribers
incorporated.

II. *John Henry Walker, Robert Brent, John Clampitt Sercombe, William Kennaway, Edward Gard, John Follett, Nicholas Bideford, John Drewe Pratt, William Sheppard, Thomas Smith, John Spettigue,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-after mentioned, and shall be incorporated by the Name of "*The Exeter and Exmouth Railway Company*," with perpetual Succession, a Common Seal, and Power to purchase and hold Land for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained.

Capital.

III. The Capital of the Company shall be Seventy thousand Pounds, divided into Seven thousand Shares of the nominal Value of Ten Pounds each.

Calls.

IV. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Power to
borrow on
Mortgage.

V. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty-three thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the Capital of Seventy thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Application
of Money.

VI. All Money raised under the Powers of this Act by the Creation of Shares, or by the Exercise of the Powers of borrowing, shall be applied only to the Purposes of this Act.

Interest not
to be paid on
Calls paid up.

VII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "*The Companies Clauses Consolidation Act, 1845*," in that Behalf contained.

VIII. It

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VIII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of the Company's Capital.

IX. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

First Meeting.

X. The Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Number and Qualification of Directors.

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

Power to vary the Number of Directors.

XII. *John Henry Walker, John Spettigue, John Clampitt Sercombe, William Kennaway, Edward Gard, John Follett, Robert Brent, William Sheppard, and John Drewe Pratt*, shall be the First Directors of the Company.

First Directors.

XIII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of the Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or so many Directors as may be required to supply the Place of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Election of Directors at First Ordinary Meeting.

XIV. At the First Ordinary Meeting to be held in the Year next after the Year in which the last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the last-mentioned Act.

Subsequent Election of Directors.

XV. The Quorum of a Meeting of Directors shall be Five until the Number of Directors shall be reduced to Six, when the Quorum of a Meeting of Directors shall be Three.

Quorum.

XVI. The

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Newspaper
for Adver-
tisements.

XVI. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the County of *Devon*.

Power to
make Rail-
way.

XVII. It shall be lawful for the Company to make and maintain the Railways herein-after mentioned, together with all proper Works and Conveniences connected therewith and Approaches thereto; (that is to say,)

A Railway (in this Act called "the Main Line") to commence by a Junction with the Line of the *South Devon* Railway in the Parish of *Exminster* in the County of *Devon*, and to terminate at or near the Town of *Exmouth* in the same County:

A Railway (in this Act called "the Branch") to commence by a Junction with the *South Devon* Railway in the Parish of *Alphington* in the County of *Devon*, and to terminate at or near the West End of the Basin of the *Exeter* Canal in the Parish of *Saint Thomas the Apostle* in the same County.

Railway to
be made ac-
cording to
deposited
Plans.

XVIII. And whereas Plans and Sections of the intended Railways showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace for the County of *Devon*: Be it enacted, That, subject to the Provisions and Powers of Deviation in this and the incorporated Acts contained, the Railways shall be made in the Line and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Power to
cross certain
Roads on the
Level.

XIX. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," it shall be lawful for the Company, in the Construction of the Railways by this Act authorized, to carry the same across or on the Level of the Roads numbered on the Plans deposited as herein-before mentioned, as follows; (that is to say,) the Road numbered 87 in the Parish of *Topsham*, and the Road numbered 5 in the Parish of *Saint Thomas the Apostle*: Provided always, that the Company shall construct and at all Times maintain a proper and sufficient Bridge for Foot Passengers over the said Road numbered 87, in the Parish of *Topsham*.

Station or
Lodge to be
erected at
Points of
crossing.

XX. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or a Lodge at the Points where the Railway crosses the before-mentioned Roads

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Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

XXI. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry either of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board to be best adapted for removing or diminishing the Danger arising from such level Crossing; but where any such Road shall be so carried either under or over the Railway it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

Board of Trade may require Bridges in lieu of level Crossings.

XXII. The Bridge across the *Exeter* Ship Canal shall be constructed so as to give a clear Width of Waterway in the Middle of the present Waterway of the said Canal between the Abutments of not less than Thirty Feet on the Square, and an opening Span in the said Bridge shall also be made and maintained by the Company, so as to give a clear Width of Waterway of not less than Thirty Feet; and the Soffit of the said Bridge and opening Span shall be constructed and maintained so as to give a clear Headway above the Canal and Towing Paths on the Eastern and Western Banks of not less than Six Feet above the ordinary Surface of the Canal, equivalent to Sixty Feet Six Inches above the Datum of the Plan deposited at the Admiralty.

Bridge over Exeter Canal.

XXIII. The Viaduct or Crossing of the Estuary of the River *Exe* shall, where the Eastern Channel of the Estuary is crossed, be constructed on open Pile Work, so as to give a clear Waterway of Five hundred and thirty Feet, and such open Pile Work shall consist of Three Spans of Fifty Feet each, Six Spans of Thirty Feet each, and

Viaduct over the Estuary of the River Exe,

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Ten Spans of Twenty Feet each, and One of the said Spans of Thirty Feet shall be constructed so as to be convertible into an Opening Bridge if the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, shall at any Time require the same to be so converted, such Requirement to be in Writing under the Hand of the Secretary of the Admiralty; and upon any such Requirement the Company shall convert the same into an Opening Bridge in accordance with any such Requirement.

Further
Provision as
to the cross-
ing the Es-
tuary of the
Exe.

XXIV. A clear Headway of not less than Thirteen Feet between High-water Mark at ordinary Spring Tides and the Soffit of the said Viaduct or Crossing of the Estuary of the River *Exe*, equivalent to Sixty-four Feet above the Datum of the Plan deposited at the Admiralty, shall be made and maintained where the Eastern Channel of the said Estuary is crossed, and the Remainder of the Railway across the said Estuary shall be constructed solid, and so as to confine the Waterway to the Eastern or Main Channel of the said Estuary.

Viaduct over
the River
Clyst.

XXV. The Viaduct or Crossing of the River *Clyst* shall, where it crosses the Channel, be constructed of open Pile Work, and shall consist of One Span of Fifty Feet, Four Spans of Thirty Feet each, and Nine Spans of Twenty Feet each, so that there may be and may be maintained a clear Waterway of not less than Three hundred and fifty Feet, and the whole of such Viaduct shall have a clear Headway of not less than Thirteen Feet between High-water Mark at ordinary Spring Tides and the Soffit of the said Viaduct or Crossing.

Lights to be
kept burning
by Night at
the Bridges.

XXVI. During the Construction of the said respective Bridges, Viaducts, or Crossings over the *Exeter* Ship Canal, the Estuary of the River *Exe*, and the River *Clyst*, and Works connected therewith, the Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light on each of the said Works, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Bridges, Viaducts, or Crossings the Company shall cause to be hung out or exhibited upon or near to the Centre of each of the said Bridges, Viaducts, or Crossings, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall by Writing under the Hand of the Secretary of the Admiralty approve of; and in case the Company shall neglect

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neglect to exhibit and keep either or any of such Lights burning as aforesaid they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

XXVII. It shall not be lawful for the Company or any Person or Persons acting under them to detain any Vessel, Barge, or Boat navigating the *Exeter* Ship Canal, or if and when there is an Opening Bridge over Part of the Estuary of the River *Exe*, any Vessel, Barge, or Boat navigating such Estuary, for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge, Viaduct, or Crossing, to cross the said Canal or Estuary, and for opening the said Bridge, Viaduct, or Crossing to admit such Vessel, Barge, or Boat to pass; and in case the Company or any Person or Persons acting under them shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay any Sum not exceeding Ten Pounds, and shall also be subject to any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Traffic navigating the Canal or Estuary not to be detained at the Bridges.

XXVIII. Where the Limits of Deviation extend below High-water Mark at ordinary Spring Tides, the Railway and other Works shall not deviate Seaward or Riverward of the continuous Centre Line of Way marked on the Plans deposited at the Admiralty without the previous Assent of the said Lord High Admiral, or of the said Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Works affecting tidal Waters without the Consent of the Admiralty.

XXIX. The Company shall not under or by virtue of this Act claim or become entitled to any exclusive Right of Water Frontage where the Railway skirts the Shore, but only such Frontage as the Company may require for the Site of the Railway; and any other Persons, if legally qualified, may, with the previous Consent of and as approved of by the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, construct Quays, Wharfs, Jetties, and other Works between the Railway and the Sea.

Company not to be entitled to Water Frontage, except for the Railway. Persons legally qualified may construct Quays, &c. with Consent of Admiralty.

XXX. Where the Line of Railway falls within the Line of High Water at ordinary Spring Tides, or within Two hundred Yards of the same, the Company shall make and maintain all such Crossings for Footways and Carriageways, over, under, or across the Railway as the said Lord High Admiral, or the said Commissioners for executing the

Where Railway shall be within High-water Mark, or within 200 Yards thereof, the Crossing to

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be made over
same, as re-
quired by
the Admi-
ralty.

the Office of Lord High Admiral, shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty; and all Persons whomsoever shall have the Privilege of using such Crossings free of Toll or other Charge, and except when such User may interfere with the passing of Trains, at all Times whatsoever.

Plans, &c.
of the Bridge,
&c. over the
Canal, Es-
tuary, and
Clyst to be
executed as
approved by
Admiralty.

XXXI. Previously to commencing the Bridge over the *Exeter* Ship Canal, or the Viaducts or Crossings of the Estuary of the River *Exe* or of the River *Clyst*, or the Works respectively connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge, Viaducts, or Crossings, and the Works respectively connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Bridge, Viaducts, or Crossings and Works shall be constructed only in accordance with such Approval; and when any such Bridge, Viaducts, or Crossings shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval; and if any such Bridge, Viaducts, or Crossings shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty
may order
local Survey
at Expense
of Company.

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

Works aban-
doned, &c.
affecting

XXXIII. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if

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

tidal Waters may be removed by the Admiralty.

XXXIV. In constructing the said Railway the Company shall not do any Act whereby the usual Level of the Water in the said Canal shall be lowered without the previous Consent of the Town Council, to be testified in Writing under their Common Seal, or under the Hand of the Surveyor of the said Town Council for the Time being, at the Option of the said Town Council, and to such Extent only as shall be so agreed to; and in case any Damage or Injury shall be done or occasioned to the said Canal, or to the Banks thereof, or to any Works belonging thereto or connected therewith, during the Progress of the Construction and Erection of the said Swingbridge or Drawbridge, or in consequence of any other Works hereby authorized to be made, or of any Repairs of such Works, all such Damage or Injury shall from Time to Time be forthwith repaired and amended by and at the Expense of the Company, to the Satisfaction of the Surveyor to the said Town Council for the Time being; and the Company shall also make full Compensation to the said Town Council for Loss of Revenue in case the Navigation of the said Canal shall be interrupted by or in consequence of any Works or Repairs done or omitted to be done by the Company, such Compensation to be ascertained and settled by Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845," and in case the Company shall neglect forthwith to repair and amend any such Damage and Injury as aforesaid, it shall be lawful for the said Town Council to make and execute such Repairs and Amendments, and the Company shall forthwith pay the Costs and Expenses of such Repairs and Amendments to the said Town Council.

Water in Canal not to be lowered without Consent of Town Council.

XXXV. During such Time or Times as the Bridge intended to be erected for carrying the Railway over the said *Exeter* Canal shall be in course of being built or repaired, the Company shall and they are hereby required to keep the Navigation of the said Canal at and about the Place where the said Bridge is being erected or repaired free and clear, so that Vessels navigating in and upon the said Canal may have sufficient and convenient Room to navigate and pass thereon at all Times.

Navigation of Canal to be kept clear during Construction and Repair of Bridges.

[*Local.*]

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XXXVI. And

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Company to
construct
Accommoda-
tion Works
for Exeter
Town
Council.

XXXVI. And whereas the Town Council of the City of *Exeter* are or claim to be Owners of the said *Exeter* Canal, subject to the Rights and Interests of certain Creditors therein, and it has been agreed between the Company and the said Town Council, subject to the Approval of Parliament, that the Company shall construct the Works herein-after mentioned on Lands belonging to them or to the said Town Council, for the Accommodation of the said Town Council and the Traffic upon the said Canal, and not to form any Part of the Undertaking of the Company: Be it enacted, That the Company shall construct a Railway in connexion with the Branch across the private Road of the Town Council of *Exeter* to the Western End of the Basin of the Canal, with a sufficient Turn-table, and so far as the River *Exe*, according to the Plan already prepared and agreed on, and signed by *William Dawson* Civil Engineer, and *William Wills Hooper* Esquire; and also, if the Town Council and Canal Creditors shall so require, the Company shall construct the said Railway around certain Portions of the said Basin, with Two sufficient Turn-tables at the Points marked on the said Plan, but such Line of Railway shall not be extended beyond the Points marked respectively (A) and (B) in the said Plan, without the joint Application of the said Town Council and Canal Creditors; and such Railways and Turn-tables shall be constructed in an efficient Manner, and to the Satisfaction of the Surveyor to the Town Council of the City of *Exeter* for the Time being; and when constructed, the said Railways and Turn-tables shall be the Property of the said Town Council as Owners of the Canal, and such Railway and Turn-tables shall at all Times be worked in connexion with the said Branch, and not otherwise, and shall be of the same Gauge as the said Branch, and on a Level with the Surface of the said Basin.

Part of Main
Line not to
be opened
before
Branch.

XXXVII. The Company shall not open for public Traffic any Part of the Main Line between the Terminus thereof at *Exminster* and *Topsham*, until they shall have completed the Branch, and the Branch shall be opened for public Traffic either before or simultaneously with the Portion aforesaid of the Main Line.

Lands for ex-
traordinary
Purposes.

XXXVIII. It shall be lawful for the Company to purchase any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Fifteen Acres.

Limiting
Period for
compulsory
Purchase of
Lands.

XXXIX. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be executed after the Expiration of Two Years from the passing of this Act.

Period for
Completion
of Works.

XL. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers

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Powers by this and the incorporated Acts granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

XLI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Five thousand two hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railways authorized by this Act, has been deposited with the Court of Chancery in *England*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Five thousand two hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Five thousand two hundred and fifty Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors,

Deposit in the Court of Chancery not to be withdrawn until Railway opened or Bond given for Completion within the Time limited by this Act.

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Successors, of the said Sum of Five thousand two hundred and fifty Pounds, if the said Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Defining
Gauge of
Railway.

XLII. The Railway shall be constructed upon a Gauge of Seven Feet, so as to admit of the same being worked continuously with the *Bristol and Exeter, South Devon, and Great Western* Railways respectively.

Tolls.

XLIII. It shall be lawful for the Company to demand any Tolls for the Use of the Main Line not exceeding the following; (that is to say,)

On Articles
of Merchandise;

In respect of the Tonnage of all Articles conveyed upon the Main Line, or any Part thereof, as follows:

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

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise,

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Merchandise, *per Ton per Mile* not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

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

And for every Carriage, of whatever Description, having more than Two Wheels, and not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence; and a like Sum of Twopence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Twopence.

In respect of Passengers and Animals conveyed in Carriages upon the Main Line (as follows):

For Passengers and Cattle;

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

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

XLIV. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Main Line shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Article, in addition to the several other Tolls or Fares by this Act authorized to be taken.

For propelling Power.

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Regulation
as to Tolls.

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

For Articles or Persons conveyed on the Main Line for a less Distance than Three Miles, the Company may demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance, as the Case may be, for Three Miles:

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

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

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

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

Tolls for
small Parcels
and Articles
of great
Weight.

XLVI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Main Line or Branch, or any Part thereof, as follows:

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

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

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

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for any Parcel 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 Terms shall apply only to single Parcels in separate Packages:

For

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For the Carriage upon the Main Line 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 Sixpence *per Ton per Mile* :

For the Carriage upon the Main Line of any single Piece of Timber, Stone, or 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.

XLVII. Every Passenger travelling upon the Main Line or Branch may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof. Passengers
Luggage.

XLVIII. With respect to the Conveyance of Horses, Cattle, Carriages, and Goods upon the Main Line, the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Waggons or Trucks and locomotive Power, and every Expense incidental to such Conveyance (except loading and unloading Goods where that Service is performed by the Company), shall not exceed the Sums following; (that is to say,) Maximum
Charge.

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny Halfpenny :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence :

For all Sugar, Grain, Corn, Flour, and other Articles herein-before classed therewith, *per Ton per Mile* Fourpence :

For all Cotton and other Wools, and Articles herein-before classed therewith, *per Ton per Mile* Fivepence :

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sevenpence :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding Fivepence :

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, not exceeding One Penny.

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Limiting
Tolls for
Passengers.

XLIX. The whole Charge for Tolls, Carriages, and locomotive Power to be made for every Passenger shall not, if conveyed in a First-class Carriage, exceed Threepence *per* Mile; if conveyed in a Second-class Carriage, exceed Twopence *per* Mile; and if conveyed in a Third-class Carriage, exceed One Penny *per* Mile.

Tolls and
Charges for
the Branch.

L. The Company may demand and take, for all Persons, Articles, and Things passing or conveyed over the whole or any Part of the Branch, such Tolls and Charges as they are by this Act entitled to demand and take for Persons or Articles and Things of a like Description passing or conveyed for a Distance of One Mile along the Main Line, either for the Use of the Branch only, or for the Use of the Branch and the Supply and Use of Carriages thereon, or for the Use of the Branch, the Supply and Use of Carriages thereon, and the Supply of locomotive or propelling Power thereon, which Branch shall be at all Times open for the Use of the Town Council of the City of *Exeter*; which said Tolls and Charges shall not exceed the maximum Rate of Charge *per* Ton *per* Mile hereby authorized to be made by the Company for the rest of the Line, or the Proportion of the said maximum Rate of Charge in respect of each of the above-mentioned Services, and shall not be less than the minimum Rate of Charge which the Company shall from Time to Time take upon the rest of the Line; the Amount of such respective Tolls and Charges to be from Time to Time agreed upon by and between the Company and the said Town Council; and in case of Dispute, to be ascertained and settled by Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845:" Provided always, that for the Purpose of securing to the Company sufficient to defray the Expense of working the Branch, the Tolls to be paid to the Company in respect of the above-mentioned Services shall be fixed at such an Amount not exceeding such Maximum as will repay the working Expenses of the said Branch.

Restriction
as to Charges
not to apply
to Special
Trains.

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

Power to
charge extra
for Goods by
Agreement
with the
Owners.

LII. It shall be lawful for the Company, and they are hereby authorized and empowered, by Agreement with the Owners or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods, other than small Parcels by Passenger Trains, and in respect also of small Parcels by Express Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect

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respect of any such Goods, anything in this Act contained to the contrary notwithstanding.

LIII. It shall be lawful for the Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Special or Extra Trains by or on the Railways or any Part or Parts thereof, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals, anything in this Act contained to the contrary notwithstanding.

Power to charge extra for Special Trains.

LIV. It shall be lawful for the Company and the *South Devon* Railway Company respectively, and for the Company and the *Bristol and Exeter* Railway Company respectively, from Time to Time to enter into Agreements with respect to the following Purposes, or any of them; (that is to say,)

Power for the Company to enter into Traffic Arrangements with the *South Devon* and *Bristol and Exeter* Railway Companies.

“The Use and working by the *South Devon* Railway Company or the *Bristol and Exeter* Railway Company (as the Case may be) of all or any Part of the Railways by this Act authorized, and the Use of the Works and Conveniences belonging thereto:

“The Conveyance by the *South Devon* Railway Company or by the *Bristol and Exeter* Railway Company of the whole or any Part of the Traffic upon the said Railways:

“The Division and Apportionment of such Traffic between the said Companies:

“The Supply of any Rolling or Working Stock required for such Purposes:

“The Use or Purchase by the *South Devon* Railway Company or by the *Bristol and Exeter* Railway Company of the Rolling or Working Stock belonging to the Company hereby incorporated, or any Part thereof:

“The Management, Maintenance, and Repair of the said Railways:

“The Costs and Expenses of such Working, Management, Maintenance, and Repair:

“The forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies Parties to the Agreement of any Passenger or other Traffic which may be conveyed upon and from the *South Devon* Railway or *Bristol and Exeter* Railway (as the Case may be) to and along the Railways hereby authorized, or any Part thereof, or which may be conveyed upon and from the Railways hereby authorized or either of them to and along the *South Devon* Railway, or any Part thereof, or the *Bristol and Exeter* Railway, or any Part thereof (as the Case may be):

“The Collection, Delivery, and general Conduct of such Traffic:

“The fixing of the Tolls, Rates, and Charges to be levied or taken by the Companies Parties to the Agreement in respect of the Traffic conveyed over the several Railways, or any Part thereof

[Local.]

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thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :

“The Collection, taking, and levying of the said Tolls, Rates, and Charges :

“The Division between the Companies Parties to the Agreement of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of the said Agreement.”

As to Traffic
on the South
Devon Rail-
way.

LV. Provided always, That whenever, under or in accordance with any such Agreement to which the *South Devon* Railway Company is a Party, any Traffic is conveyed to or from *Topsham* and any Point on the *South Devon* Railway, all Traffic of the like Sort conveyed to or from the Canal Basin and the same Point on the *South Devon* Railway shall, so far as regards its Conveyance on the *South Devon* Railway, be conveyed with the like Facilities as the Traffic so conveyed to or from *Topsham* and that Point, and at Rates not exceeding in the gross, including the Toll to or from the Canal Basin, the Rates for the like Traffic conveyed to or from *Topsham* and that Point.

As to Traffic
on the Bristol
and Exeter
Railway.

LVI. Provided always, That whenever, under or in accordance with any such Agreement to which the *Bristol and Exeter* Railway Company is a Party, any Traffic is conveyed to or from *Topsham* and any Point on the *Bristol and Exeter* Railway, all Traffic of the like Sort conveyed to or from the Canal Basin and the same Point on the *Bristol and Exeter* Railway shall, so far as regards its Conveyance on the *Bristol and Exeter* Railway, be conveyed with the like Facilities as the Traffic so conveyed to or from *Topsham* and that Point, and at Rates not exceeding in the gross, including the Toll to or from the Canal Basin, the Rates for the like Traffic conveyed to or from *Topsham* and that Point.

Railways, if
worked by
South Devon
Railway
Company, to
be considered
Part of that
Company's
Line with
respect to
Tolls, &c.

LVII. In estimating the Toll or Charge to be paid in respect of Articles or Persons conveyed partly on the *South Devon* Railway and partly on either of the Railways by this Act authorized during the Continuance in force of any such Contract or Agreement as aforesaid between the *South Devon* Railway Company and the Company incorporated by this Act, the Distance traversed shall be reckoned continuously on both Railways as if the said Railways were One Railway ; and if the entire Distance traversed shall be less than Six Miles, the Railway by this Act authorized shall be considered as Part of the *South Devon* Railway.

LVIII. Any

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

Duration of Agreement.
To be approved by Board of Trade.
Agreements not to affect Persons not Parties thereto.

LIX. The Companies Parties to any such Agreement as aforesaid may by such Agreement appoint a Joint Committee, composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement; and every such Joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them, in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Appointment of Joint Committee for carrying the Agreement into effect.

LX. At the Expiration of the said Agreement the Companies Parties thereto, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided that, before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper, published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such

Agreement may be renewed, with the Approval of the Board of Trade, after public Notice given.

Objections

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Agreement
to be ap-
proved by
the Board of
Trade.

Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Working
Arrange-
ments, &c.
not to take
effect unless
approved by
Three Fifths
of the Share-
holders.

LXI. None of the Powers and Provisions of this Act with respect to the Use, working, or managing of Railways hereby authorized by the *South Devon* Railway Company, or by the *Bristol and Exeter* Railway Company, or with respect to the Interchange of Traffic between the Company and the *South Devon* Railway Company or the *Bristol and Exeter* Railway Company, shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved of by a Majority of not less than Three Fifths of the Shareholders present, personally or by Proxy, at a Meeting of the Company specially convened for that Purpose.

Meeting
how to be
convened.

LXII. Such Meeting shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *London*, and in some Newspaper of each of the Counties in which the principal Offices of the Two Companies, Parties thereto, are situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting; and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the respective Companies, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

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

Short Title.

LXIV. This Act shall for all Purposes be sufficiently described or referred to as "*The Exeter and Exmouth Railway Act, 1855.*"

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