



CHAPTER clxi.

An Act for making a Railway in the county of Devon, to be called the Totnes, Paignton, and Torquay Direct Railway; and for other purposes. [12th August 1880.]

A.D. 1880.

WHEREAS the construction of the railways herein-after described would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution, and it is expedient that they be incorporated into a company, and that the requisite powers be conferred upon them :

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") be authorised to run over, work, and use the railway or portions of railway herein-after in that behalf mentioned :

And whereas it is expedient that the Company and the Great Western Railway Company be empowered to enter into and carry into effect working and other agreements as herein-after provided, and that provisions be made for facilitating the passage of traffic to and from the railways by this Act authorised :

And whereas plans and sections showing the line and levels of the railways authorised by this Act, and also books of reference 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 books 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

[Ch. clxi.] *Totnes, Paignton, and Torquay* [43 & 44 VICT.]
Direct Railway Act, 1880.

A.D. 1880. with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Totnes, Paignton, and Torquay Direct Railway Act, 1880.

Incorporation of

General

Acts.

8 & 9 Vict.

c. 16.

26 & 27 Vict.

c. 118.

32 & 33 Vict.

c. 48.

8 & 9 Vict.

c. 18.

23 & 24 Vict.

c. 106.

32 & 33 Vict.

c. 18.

8 & 9 Vict.

c. 20.

26 & 27 Vict.

c. 92.

Interpreta-

tion of terms.

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

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. 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.

Incorporation of Com-

pany.

4. Arthur Champernowne, Thomas Creaser Kellock, Jeffery Michelmore, George Presswell, William Mills Tollit, Edwin Tucker, Thomas White Windeatt, 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 railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Totnes, Paignton, and Torquay Direct 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 railways.

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 railways herein-after described, with all necessary and convenient stations, approaches, bridges,

A.D. 1880.

roads, communications, and other works connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by the Act are:—

A railway (No. 1) four furlongs and seven-and-a-half chains in length commencing in the parish of Little Hempstone, in the county of Devon, by a junction with the Great Western Railway near Totnes Station, and terminating in the parish of Berry-Pomeroy, at a point twenty chains or thereabouts north-eastward of the eastern end of the Totnes Bridge;

A railway (No. 2) six miles one furlong and 2·58 chains in length commencing at the termination of Railway No. 1 above described, and terminating in the parish of Paignton, in the county of Devon, by a junction with the Torquay and Dartmouth line of the Great Western Railway, near the mile-post indicating two hundred and twenty-two and three-quarter miles from London;

which said intended railways will be made or pass from, in, through, or into the parishes, townships, and other places following, or some or one of them; (that is to say,) Totnes, Dartington, Little Hempstone, Berry Pomeroy, Bridgetown, Stoke Gabriel, Collaton, Kirkham, and Paignton, all in the county of Devon.

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

Great
Western
Railway
Company's
lands not to
be interfered
with except
for the
purpose of
junctions.

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Inclination
of certain
roads.

7. In altering, for the purposes of this Act, the roads next hereinafter 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,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
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RAILWAY No. 2.

42	Berry Pomeroy	Street	1 in 14 on one side.
145	Berry Pomeroy	Public	1 in 7 on one side and 1 in 15 on the other.
79	Paignton	Public	1 in 13½ on one side.
124	Paignton	Public	1 in 17 on one side.

Heights and
spans of
certain
bridges.

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

Number on deposited Plan.	Parish.	Description of Road.	Height.	Span.
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RAILWAY No. 2.

10	Berry Pomeroy	Turnpike	16 feet	25 feet.
61A	Berry Pomeroy	Public	15 feet	12 feet.
145	Berry Pomeroy	Public	15 feet	15 feet.
34	Paignton	Public	15 feet	15 feet.
65	Paignton	Turnpike	16 feet	25 feet.

Widths of
certain
roadways.

9. The Company may make the roadway over the bridges by which the following roads will be carried over the railways respectively of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
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RAILWAY No. 2.

129	Berry Pomeroy	Public	15 feet.
7	Paignton	Turnpike	25 feet.
79	Paignton	Public	20 feet.
124	Paignton	Public	20 feet.

10. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each. A.D. 1880.

11. 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. Capital.
Shares not to be issued until one fifth paid.

12. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

13. If any money is payable to a shareholder being a minor, idiot, or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

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

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

- A.D. 1880. **16.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.
- Debenture stock.
- Application of moneys. **17.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.
- First ordinary meeting. **18.** The first ordinary meeting of the Company shall be held within ten months after the passing of this Act.
- Number of directors. **19.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.
- Qualification of directors. **20.** The qualification of a director shall be the possession in his own right of not less than forty shares.
- Quorum. **21.** The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three, the quorum shall be two.
- First directors. **22.** Thomas Creaser Kellock, Jeffery Michelmores, Edwin Tucker, and Thomas White Windeatt, and such one other duly qualified person to be nominated in that behalf by them, or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; 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.
- Election of directors.

23. 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 two acres. A.D. 1880.
Lands for extraordinary purposes.

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

25. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, 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.

26. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of four thousand five hundred pounds consolidated three per cent. annuities, being five per centum upon the amount of the estimate in respect of the railways, has been transferred into the name of Her Majesty's Paymaster-General on account of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: 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 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 railways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railways 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 railways opened as aforesaid, and the portion of the deposit fund which bears to Deposit fund not to be repaid, except so far as railways opened.

A.D. 1880. — — the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways, the Chancery Division shall, on the application of the depositors or the majority of them, 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
fund.

27. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them 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 railways 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 Chancery Division of the High Court of Justice in England 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund has been re-transferred 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. A.D. 1880.

28. If the railways are 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 railways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as is then completed. Period for completion of works.

29. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,) Tolls.

In respect of passengers and animals conveyed on the railways, or any part thereof—

Class 1. For every person conveyed in a first-class carriage, per mile twopence.

Class 2. For every person conveyed in a second-class carriage, per mile one penny halfpenny.

Class 3. For every person conveyed in a third-class carriage, per mile one penny.

Class 4. For every horse, mule, or ass, or other beast of draught or burden conveyed in or upon any carriage, per mile twopence.

Class 5. For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile one penny halfpenny.

Class 6. For every calf, pig, sheep, or lamb, or other small animal conveyed in or upon any carriage, per mile one halfpenny.

In respect of goods conveyed on the railway—

Class 7. For all coals, ironstone, and iron ore, per ton per mile one penny.

Class 8. For all pig iron, bar iron, and all other similar descriptions of iron, and iron castings, not manufactured into utensils or other articles of merchandise, coke, culm, slack, cannel, cinders, lime, limestone, sand, chalk, dung, compost, and all sorts of common manure, and all undressed materials for the repair of highways, clay, undressed stones for building, pitching, and paving, bricks, tiles, common slates, fireclay, charcoal, bats, copper, tin, lead, and other ores, per ton per mile twopence.

Class 9. For all sugar, grain, corn, flour, potatoes, guano, and artificial manures, hides (dried and salted), dye-woods, timber, staves, and deals, metals (except iron), tinned plates, nails,

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anvils, vices, hoop iron, sheet iron, and chains, per ton per mile threepence.

Class 10. For lace, furs, silk, drapery, millinery, china, glass, cotton, wool, manufactured goods, drugs, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile fourpence.

In respect of carriages conveyed on the railways—

Class 11. For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, if having more than two wheels, per mile fourpence, and if having only two wheels, per mile threepence, and for every additional quarter of a ton up to four tons which any such carriage weighs, one penny per mile in addition if such carriage have more than two wheels, and three farthings per mile in addition if the same have only two wheels.

Tolls for
carriages, &c.

30. For carriages supplied by the Company, the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods, articles, matters or things, persons or animals, comprised in either of the classes herein-before specified, any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods, articles, matters or things, persons or animals, are respectively comprised; (to wit,)

For Class 1, for each person, per mile one penny.

For Class 2, for each person, per mile three farthings.

For Class 3, for each person, per mile one halfpenny.

For Class 4, for each animal, per mile one penny.

For Class 5, for each animal, per mile one penny

For Class 6, for each animal, per mile one halfpenny.

For Class 7, per ton per mile one eighth of a penny.

For Class 8, per ton per mile one eighth of a penny.

For Class 9, per ton per mile three farthings.

For Class 10, per ton per mile one penny.

For Class 11, for each carriage per mile twopence.

Tolls for
propelling
power.

31. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per ton per mile for coals, iron ore, and iron, or one penny per mile for each passenger or animal, or for each ton of goods other than coals, iron ore, and iron, in addition to the several other tolls or sums by this Act authorised to be taken.

32. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

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Regulations
as to tolls.

For all passengers, animals, or goods conveyed on the railways for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods 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 tolls according to the numbers 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.

33. With respect to small parcels, not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; that is to say,

Tolls for
small parcels
and articles
of great
weight.

For the carriage of small parcels on the railways :

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 :

For any parcel exceeding fifty-six pounds and not exceeding one hundredweight, three shillings, and for every additional one hundredweight beyond one hundredweight up to five hundredweight, ninepence :

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee,

A.D. 1880. meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of any single thing the weight of which, including the carriage, exceeds four tons, but does not exceed eight tons, the Company may demand and take any sum not exceeding ninepence a ton a mile :

For the carriage of any single thing the weight of which, with the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum
rates for
passengers.

34. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum
rates for
animals and
goods.

35. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance, except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,)

Class 4. For each animal, fourpence per mile :

Class 5. For each animal, twopence per mile :

Class 6. For every calf or pig, one penny per mile, and for every other small animal, three farthings per mile :

Class 7. One penny halfpenny per ton per mile :

Class 8. Twopence per ton per mile :

Class 9. Threepence per ton per mile :

Class 10. Fivepence per ton per mile :

Class 11. For every carriage, if having more than two wheels and not weighing more than one ton and a half, sixpence, and one penny halfpenny for every additional quarter of a ton ; and if

having only two wheels, fourpence per mile, and one penny for every additional quarter of a ton. A.D. 1880.

36. Provided also, that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge, the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep, and not containing more than that number, shall not exceed ninepence per mile. Tolls for separate waggons.

37. Every passenger travelling upon the railways may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof. Passengers' luggage.

38. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat to the consignee. Terminal station.

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

40. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

41. The Company may run over, work, and use with their engines, carriages, and waggons, and officers and servants in charge of engines and trains, for the purposes of their traffic of every description, the railway or portions of railway herein-after mentioned; (that is to say,) Power to use other railways.

So much of the Great Western Railway as is situated between the junctions therewith of the intended railways respectively, near Totnes and Paignton, and the stations of the Great Western Railway Company at Totnes and Torre respectively, including those stations.

A.D. 1880. Together with all roads, platforms, points, signals, water, water engines, engine sheds, standing room for engines, warehouses, sidings, junctions, machinery, works, and conveniences of or connected with the said railway or portions of railway and stations; but the Company shall not, except with the consent in writing of the Great Western Railway Company, employ at the said stations, or either of them, any booking or other clerks, officers, or servants; the Great Western Railway Company shall, however, perform for the Company at those stations respectively all booking, invoicing and other services required for the traffic of the Company; and as regards traffic conveyed by them, the Company, and any such Company or persons as aforesaid, may demand tolls and charges upon and in respect of the said railway, or portions of railway and stations, not exceeding the tolls and charges authorised to be demanded in respect thereof by the Companies to whom such railway or portions of railway and stations respectively belong.

Terms of
such user.

42. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company for and in respect of the use of the portions of railway stations, works, and conveniences, and the booking and invoicing, and other services to be performed for them, shall be such as are from time to time agreed upon between them and the Great Western Railway Company, or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either of the Companies interested, and the cost of the arbitration shall be in his discretion, and the decisions of the arbitrator shall be final and binding on all parties.

Power to
enter into
traffic
arrange-
ments.
36 & 37 Vict.
c. 73.

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

The use by the Great Western Railway Company of the railways, or any part or parts thereof:

The regulation, interchange, collection, transmission, and delivery of traffic coming from, or destined for, the railways of the contracting companies, or of any or either of them:

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, income, and profits arising from such traffic:

The payments to be made and the conditions to be performed with respect to the purposes aforesaid. A.D. 1880.

44. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railways or any part thereof by the Great Western Railway Company, the railways of the Company and of the Great Western Railway Company shall for the purposes of short distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railway of the Great Western Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railway of the Great Western Railway Company.

Tolls on traffic conveyed partly on the railways and partly on other railways.

45. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of Crown under 29 & 30 Vict. c. 62.

46. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of 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.

Interest not to be paid on calls paid up.

47. 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.

48. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to

Provision as to general railway Acts.

[Ch. clxi.] *Totnes, Paignton, and Torquay* [43 & 44 VICT.]
Direct Railway Act, 1880.

A.D. 1880. — railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

49. 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 paid by the Company.

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