

[61 & 62 VICT.] *Bideford and Clovelly Railway* [Ch. cxviii.]  
*Act, 1898.*



### CHAPTER cxviii.

An Act for incorporating the Bideford and Clovelly A.D. 1898.  
Railway Company and for other purposes.

[25th July 1898.]

**W**HEREAS the construction of the railway herein-after described in the county of Devon would be of public and local advantage :

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

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

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

**1.** This Act may be cited as the Bideford and Clovelly Railway Short title.  
Act 1898.

[Price 1s.]

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Incorporation of  
general Acts.

**2.** The Companies Clauses Consolidation Act 1845 Part I. (Cancellation and surrender of shares) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (Construction of a railway) and Part III. (Working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

Company  
incorporated.

**4.** George Mill Frederick Molesworth George John Taylor Walter T. Ellis and Robert William John Smart and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Bideford and Clovelly Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to  
make  
railway.

**5.** Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose :

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

A railway ten miles three furlongs eight chains twenty links in length commencing in the parish of Abbotsham in the county of Devon by a junction with Railway No. 2 authorised by the Bideford Westward Ho ! and Appledore Railway Act 1896 (herein-after called "the Bideford Act") at or near a



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point one mile fifty-two chains on the centre line of and measured from the commencement of Railway No. 2 by the said Act authorised and terminating in the parish of Clovelly in the county of Devon at a point three chains or thereabouts measured in a southerly direction from the Ordnance bench mark on the first guide-post west of the ten miles stone from Bideford. A.D. 1898.

**6.** The Company shall not without the consent in writing of Christine Louisa Hamlyn or her successors in title enter upon take or use for the purposes of this Act any land in the parish of Clovelly of which the said Christine Louisa Hamlyn is the owner or reputed owner situate to the north of the public road numbered 14 on the deposited plans and lying between the boundary dividing the parish of Woolfardisworthy from the said parish of Clovelly and the termination of the railway and numbered 15 16 18 22 27 28 31 32 33 34 40 42 44 49 56 57 60 62 65 66 68 69 70 71 74 75 76 and 77 on the deposited plans. For protection of Mrs. Hamlyn.

**7.** The railway may if so resolved by the directors of the Company be constructed and worked as a light railway. Railway may be a light railway.

**8.** The railway shall be made and maintained on a gauge of four feet eight and a half inches. Gauge of railway.

**9.** The capital of the Company shall be seventy-five thousand pounds in seven thousand five hundred shares of ten pounds each. Capital.

**10.** 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. Shares not to be issued until one fifth paid.

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

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

**13.** Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide Power to divide shares.

A.D. 1898. — any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares. **14.** The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) :—

First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half shares to be paid out of profits of year only. **15.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued. **16.** Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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

Terms of  
issue to be  
stated on  
certificates.

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

Forfeiture of  
preferred  
half shares.

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

Preferred half  
shares not to  
be cancelled or  
surrendered.

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

Half shares  
to be half  
shares in  
capital.

**21.** The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds and of that sum they may borrow any sum not exceeding twelve thousand five hundred pounds in respect of each thirty-seven thousand five hundred pounds of their capital but no part of either of such sums of twelve thousand five hundred pounds shall be borrowed until the whole of the respective portion of thirty-seven thousand five hundred pounds of the capital of seventy-five thousand pounds in respect of which the same is borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies' Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of issue or acceptance thereof and the Company have proved to such justice

Power to  
borrow.



A.D. 1898. as aforesaid (before he so certifies) that such portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof Provided that the Company shall be entitled to exercise the power of borrowing under the provisions of this section only as follows they may borrow the sum of twelve thousand five hundred pounds in respect of each section of the railway between the commencement thereof and the point shown as five and a quarter miles on the deposited plans and between such last-mentioned point and the termination of the railway as and when each such section shall have been constructed up to formation level.

For appointment of a receiver.

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

Debenture stock.

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

Application of moneys.

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

First ordinary meeting.

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

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

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Quorum for meetings of Company.

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

Number of directors.

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

Qualification of directors.

**29.** The quorum of a meeting of directors shall be three.

Quorum of directors.

**30.** George Mill Frederick Molesworth George John Taylor Walter T. Ellis and Robert William John Smart shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

**31.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Lands for extraordinary purposes.

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

Period for compulsory purchase of lands.

**33.** The Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only

Power to cross roads on the level.

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A.D. 1898. across and on the level of the roads next herein-after mentioned  
(that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.
{ 170	Alwington - - -	Public.
{ 1	Parkham - - -	Public.
64	Woolfardisworthy - - -	Public.
17	Clovelly - - -	Public.

Provided that if the railway is carried on the level across the road numbered 170 in the parish of Alwington the Company shall construct a station at or near such crossing.

Inclination  
of roads.

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

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
21	Abbotsham - - -	Public - - -	1 in 7
71	Abbotsham - - -	Public - - -	1 in 17
80	Abbotsham - - -	Public - - -	1 in 10
142	Abbotsham - - -	Public - - -	1 in 20
7A	Alwington - - -	Public - - -	1 in 20
41	Alwington - - -	Public - - -	1 in 20
2	Woolfardisworthy - - -	Public - - -	1 in 17
52	Clovelly - - -	Public - - -	1 in 20
4	Parkham - - -	Public - - -	1 in 10
68	Parkham - - -	Public - - -	1 in 5

Height and  
span of  
bridges.

**35.** The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
			Feet.	Feet.
21	Abbotsham - - -	Public - - -	15	25
71	Abbotsham - - -	Public - - -	15	15
80	Abbotsham - - -	Public - - -	15	15
126A	Abbotsham - - -	Public - - -	15	15
142	Abbotsham - - -	Public - - -	12	15
41	Alwington - - -	Public - - -	15	25
21	Parkham - - -	Public - - -	15	15
52	Clovelly - - -	Public - - -	15	15



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**36.** The Company may make the roadway over the bridges by which the following roads will be carried over the railway 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) :—

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—  
Width of  
certain road-  
ways.

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
			Fect.
126A	Abbotsham -	Public - - -	12
7A	Alwington -	Public - - -	15
91	Alwington -	Public - - -	12
4	Parkham -	Public - - -	12
68	Parkham -	Public - - -	12
2	Woolfardisworthy -	Public - - -	25
33	Woolfardisworthy -	Public - - -	12

**37.** The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public traffic may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to  
divert roads  
as shown on  
deposited  
plans.

Parish.	Description.	No. on Plan.
Abbotsham - - -	Public - - -	4
Alwington - - -	Public - - -	47
Alwington - - -	Public - - -	58

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

Power to  
take ease-  
ments &c. by  
agreement.

**39.** The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except

Restriction  
on taking  
houses of  
labouring  
class.

A.D. 1898. — with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

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

**40.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of two thousand one hundred and eighty-four pounds nine shillings being equal to five per cent. upon the amount of the estimate in respect of the railway has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act



having passed anything in the above-mentioned Act to the contrary notwithstanding. A.D. 1898.

**41.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors. Application of deposit.

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

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

**44.** The classification of merchandise traffic (including perishable merchandise exceeding fifty-six pounds in weight by passenger Rates for merchandise.



A.D. 1898. — train) and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the London and South Western Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act. Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for  
small  
parcels.

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

For any parcel not exceeding seven pounds in weight threepence ;

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

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

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

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

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

Maximum  
rates for  
conveyance  
of passen-  
gers.

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

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

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

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

For every passenger conveyed on the railway for a less distance than four miles the Company may charge as for four miles and every fraction of a mile beyond four miles or any greater number of miles shall be deemed a mile. A.D. 1898.

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

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

**49.** The Company and any company or persons for the time being working or using the railway or any part thereof may run over and use with their engines carriages and wagons officers and servants whether in charge of engines or for any other purpose whatsoever and for the purposes of their traffic of every description so much of the Bideford Westward Ho! and Appledore Railway (hereinafter called "the Bideford Railway") as is situate between the junction therewith of the railway and the commencement of Railway or Tramway No. 1 by the Bideford Act authorised including the use of the stations roads platforms points signals water water engines water sheds standing room for engines and carriages booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portion of the Bideford railway and stations And as regards traffic conveyed by them the Company or persons for the time being working or using the railway or any part thereof may demand and take the same rates and charges upon and in respect of the said portion of railway and stations as are now authorised to be taken upon and in respect of such portion of railway and stations Provided always that in the exercise of the powers by this section conferred upon the Company the Company or such persons as aforesaid shall be subject to and shall in all things comply with the provisions of sections 38 39 40 and 41 of the Bideford Act so far as the same are applicable to the Company for the time being working and using the said Railway or Tramway No. 1. Power to use portion of the Bideford Westward Ho! and Appledore Railway.

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Terms of  
such user.

**50.** The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of such portion of railway stations works and conveniences shall be such as may be agreed upon between them and the Bideford Westward Ho! and Appledore Railway Company (herein-after referred to as "the Bideford Company") or failing such agreement as may be determined by an arbitrator to be appointed by the Board of Trade on the application of either of the Companies or persons interested.

Power to  
enter into  
traffic ar-  
rangements.

**51.** The Company on the one hand and the Bideford Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

The maintenance and management of the railways of the Companies respectively or any one of them or any part thereof respectively and of the works connected therewith respectively or any of them ;

The use or working of the railway or of any part thereof and the conveyance of traffic thereon ;

The supply and maintenance under any agreement for the railway being worked and used by the Bideford Company of engines stock and plant necessary for the purposes of such agreement ;

The fixing subject to the authorised maximum rates and the collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic ;

The employment of officers and servants and the appointment of joint committees for the purposes of any such agreements.

Short dis-  
tance charge  
in case of  
working  
agreement  
where rates  
and charges  
fixed with  
reference to  
existing  
rates and  
charges.

**52.** During the continuance of any agreement to be entered into under the provisions of this Act for the use or working of the railway by the Bideford Company and during the exercise of any running powers by this Act conferred on the Company over the railway of the Bideford Company the railways of the two Companies shall for the purposes of short-distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the Bideford Company rates and charges may be charged as for



four miles and for every mile or fraction of a mile beyond four miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway and partly on the railway of the Bideford Company the Company shall be deemed to be a company connected with the Bideford Company and specified in the appendix to the schedule to the aforesaid London and South Western Railway Company (Rates and Charges) Order confirmed by the London and South Western Railway Company (Rates and Charges) Order Confirmation Act 1891. A.D. 1898.

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

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the portion of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed seven hundred and fifty pounds in respect of each portion of twelve thousand five hundred pounds of their capital from time to time raised and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

A.D. 1898.  
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(F) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

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

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

**54.** 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.

Recovery of  
demands  
under fifty  
pounds.

**55.** Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Provision  
as to general  
Railway  
Acts.

**56.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of  
Act.

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

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