CHAPTER ccxlix.

An Act for making a Railway from the Bodmin and Wadebridge Railway to Delabole; and for other purposes. A.D. 1873.

[5th August 1873.]

WHEREAS the making and maintaining of a railway from the Bodmin and Wadebridge Railway, at the termination thereof at Wenford Bridge, to Delabole, as by this Act authorised, would be of public and local advantage:

And whereas the persons in that behalf in this Act named, with others, are willing at their own expense to carry the undertaking into execution if authorised by Parliament so to do, and are desirous of being incorporated into a company for the purpose:

And whereas it is expedient that the Company be authorised to alter and improve the Bodmin and Wadebridge Railway, and for that purpose to make and maintain the deviation railways by this Act authorised:

And whereas it is expedient that the Company, and all other companies lawfully using the railway of the Company, be authorised to run over and use the Bodmin and Wadebridge Railway, and the works and conveniences connected therewith:

And whereas it is expedient that the Company on the one hand, and the London and South-western Railway Company, and the Bodmin and Wadebridge Railway Company, and the Devon and Cornwall Railway Company, and the Cornwall Minerals Railway Company, or any or either of them, on the other hand, be authorised to enter into and carry into effect working and other agreements as by this Act provided:

And whereas plans and sections of the proposed railways showing the lines and levels thereof, and the lands which may be taken for the purposes of this Act, and also books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, have been deposited with the clerk of the peace for the county of Cornwall, and those

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plans, sections, and books of reference are in this Act referred to as "the deposited plans, sections, and books of reference:"

And whereas the objects 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:

Short title.

1. This Act may be cited as "The Bodmin and Wadebridge and Delabole Railway Act, 1873."

Provisions of general Acts herein named incorporated.

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

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or 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 railways and the undertaking by this Act authorised; the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Granville Richard Ryder, William Lewis Grant, William Robert Rowan, William James Hard, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Bodmin and Wadebridge and Delabole 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 according to deposited plans.

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 railways 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 books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

A railway, nine miles two furlongs five chains six yards in length, commencing in the parish of Saint Breward by a junction with the main line of the Bodmin and Wadebridge Railway at the termination thereof at Wenford Bridge, and terminating in the parish of Saint Teath, near the works of the Delabole Slate Quarries:

A deviation railway (No. 1), five furlongs six chains fifteen yards in length, commencing in the parish of Egloshayle by a junction with the main line of the Bodmin and Wadebridge Railway, five chains or thereabouts from and to the north-westward of the mile post thereon denoting two miles and a half from Wadebridge, and terminating in the said parish of Egloshayle by a junction with the said main line fourteen chains or thereabouts from and to the south-eastward of a mile post thereon denoting three miles from Wadebridge:

A deviation railway (No. 2), two furlongs one chain four yards in length, commencing in the parish of Egloshayle by a junction with the said main line one chain or thereabouts from and to the south-eastward of a mile post thereon denoting three miles and a half from Wadebridge, and terminating in the parish of Bodmin by a junction with the said main line two chains forty links or thereabouts from and to the eastward of a mile post thereon denoting three miles and three quarters from Wadebridge:

A deviation railway (No. 3), five furlongs nine chains nine yards in length, commencing in the parish of Bodmin by a junction with the said main line seven chains or thereabouts from and to the westward of a mile post thereon denoting four miles and a quarter from Wadebridge, and terminating in the said parish of Bodmin by a junction with the said main line

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twelve chains or thereabouts from and to the eastward of a mile post thereon denoting four miles and three quarters from Wadebridge:

A deviation railway (No. 4), one mile three furlongs six chains seven yards in length, commencing in the parish of Bodmin by a junction with the said main line eight chains or thereabouts from and to the westward of a mile post thereon denoting five miles and a quarter from Wadebridge, and terminating in the parish of Helland by a junction with the said main line eleven chains or thereabouts northward of a mile post thereon denoting six miles and a half from Wadebridge:

A deviation railway (No. 5), three furlongs three chains three yards in length, commencing in the parish of Helland by a junction with the said main line eight chains or thereabouts from and to the southward of a mile post thereon denoting seven miles from Wadebridge, and terminating in the said parish of Helland by a junction with the said main line five chains or thereabouts from and to the northward of a mile post thereon denoting seven miles and a quarter from Wadebridge:

A deviation railway (No. 6), two miles seven furlongs six chains four yards in length, commencing in the parish of Helland by a junction with the said main line five chains or thereabouts from and to the south-westward of a mile post thereon denoting seven and a half miles from Wadebridge, and terminating in the parish of Blisland by a junction with the said main line nine chains or thereabouts from and to the southward of a mile post thereon denoting ten miles and three quarters from Wadebridge:

A deviation railway (No. 7), two furlongs three chains eleven yards in length, commencing in the parish of Saint Breward by a junction with the said main line thirteen chains or thereabouts from and to the southward of a mile post thereon denoting eleven and a quarter miles from Wadebridge, and terminating in the said parish of Saint Breward by a junction with the said main line nine chains or thereabouts from and to the northward of the said last-mentioned mile post thereon:

A deviation railway (No. 8), two furlongs six chains in length, commencing in the parish of Saint Breward by a junction with the said main line ten chains or thereabouts from and to the southward of a mile post thereon denoting eleven miles and three quarters from Wadebridge, and terminating in the said parish of Saint Breward by a junction with the said

main line three chains or thereabouts from and to the southward of the termination of the said Bodmin and Wadebridge Railway at Wenford Bridge:

A deviation railway (No. 9), three furlongs fifteen yards in length, commencing in the parish of Bodmin by a junction with deviation railway No. 4 in a field (No. 3,111) in the parish map of the said parish of Bodmin, and terminating by a junction with the Bodmin branch of the Bodmin and Wadebridge Railway eight chains or thereabouts from and to the eastward of a mile post thereon denoting five miles and three quarters from Wadebridge:

A deviation railway (No. 10), seven furlongs three chains seventeen yards in length, commencing in the parish and borough of Bodmin by a junction with the said Bodmin branch of the Bodmin and Wadebridge Railway near to a mile post denoting six miles from Wadebridge, and terminating in the said parish and borough of Bodmin by a junction with the said Bodmin branch, near the termination of the said Bodmin branch at Crabbs' Wharf, Bodmin:

All which said railways and works will be wholly situate in the county of Cornwall.

Capital and number and amount of shares.

6. The capital of the Company shall be one hundred and eighty thousand pounds, in eighteen thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

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

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, 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 made in any year upon any share.

Receipts on behalf of incapacitated persons.

9. If any money be payable to any 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.

Power to divide shares.

10. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred

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half share;" but the Company shall not so 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.

11. 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 shares to be paid out of the profits of the year only.

12. 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.

13. 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.

Terms of issue to be stated on certificates.

14. 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.

Forfeiture of preferred shares.

15. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment 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.

Preferred shares not to be cancelled, &c.

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

Half shares to be half shares in capital.

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

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixty thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and eighty 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.

Arrears may be enforced by appoint-

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on

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ment of receiver.

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 six thousand pounds in the whole.

Power to create debenture stock.

20. 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.

Application of moneys.

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

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March and August or September, as the directors may appoint.

Number of directors.

23. The number of the directors shall be four, but it shall be lawful for the Company from time to time to reduce the number, provided that the number be not less than three.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of directors.

25. The quorum of a meeting of directors shall be three until the number of directors is reduced to three, and then the quorum shall be two.

First directors.

26. Granville Richard Ryder, William Lewis Grant, William Robert Rowan, and William James Hard 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 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 the directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," 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 same Act.

Lands for extraordinary purposes.

27. 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 four acres.

Powers for compulsory purchases limited.

28. 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.

Power to cross certain road on the level.

29. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,)

Number on deposited Plans.	Parish.	Description of Road.
24	Blisland - - - -	Public.

Inclination of roads.

30. 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,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
75	Saint Breward - -	Public - -	1 in 12 on one side and level on the other.
38	Bodmin - - -	Public - -	1 in 11 on one side and 1 in 14 on the other.

Height and span of bridges.

31. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any

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heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Height.	Span.
24	Advent - - -	Public - -	16 feet	20 feet
77	Advent - - -	Public - -	16 feet	20 feet
45	Lantiglos by Camelford -	Turnpike - -	16 feet	30 feet
13	Saint Teath - -	Public - -	16 feet	20 feet
15	Borough and parish of Bodmin.	Public - -	16 feet	20 feet

Gauge of railways.

32. The railways by this Act authorised shall be made and maintained exclusively on the gauge of four feet eight and a half inches.

As to communication with the Bodmin and Wadebridge Railway.

33. The communication between the railway by this Act authorised and the Bodmin and Wadebridge Railway, and all openings in the rails of that railway, shall be made only at such point or points thereon within the limits of deviation as the Bodmin and Wadebridge Railway Company approve, and all such communications and openings, and all sidings, side lines, and works at or near the junction hereby authorised with the Bodmin and Wadebridge Railway which may be made for the reception, accommodation, and delivery of the traffic of the Company, whether on the land of the Company or on the land of the Bodmin and Wadebridge Railway Company, shall be made by that company at the sole expense of the Company, and, except only so far as the Company and the Bodmin and Wadebridge Railway Company otherwise agree, or according to the terms and conditions from time to time agreed on between them, the same shall be for ever thereafter maintained and kept in good repair by the Bodmin and Wadebridge Railway Company at the expense of the Company, and all such communications, openings, and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the Bodmin and Wadebridge Railway, or the works or property of the Bodmin and Wadebridge Railway Company, or interfere with the traffic on the Bodmin and Wadebridge Railway, or the free and uninterrupted use thereof by that company.

Bodmin and Wadebridge Railway Company may erect signals, &c.

34. The Bodmin and Wadebridge Railway Company from time to time may erect such signals and conveniences incident thereto, and appoint and remove such watchmen, switchmen, or other persons as that company deem necessary for the prevention of danger to or interference with the traffic at and near the junction between the railway and the Bodmin and Wadebridge Railway, and

the working and management of the junction and of such signals and conveniences, whether on lands of the Bodmin and Wadebridge Railway Company or on land of the Company, shall be under the exclusive management and regulation of the Bodmin and Wadebridge Railway Company; and all the expense of making and maintaining the junction and such signals and conveniences, and the wages of such watchmen, switchmen, and other persons, and all incidental current expenses, shall be repaid by the Company to the Bodmin and Wadebridge Railway Company, as regards the expense of erection at the end of the current half year in which the same is incurred, and as regards all such other expenses and wages at the end of every half year; and in default of such repayment the amount of such expenses and wages may be recovered from the Company by the Bodmin and Wadebridge Railway Company in any court of competent jurisdiction.

Land of the Bodmin and Wadebridge Company not to be taken without consent.

35. No land belonging to the Bodmin and Wadebridge Railway Company shall be taken by the Company without the consent in writing of the Bodmin and Wadebridge Railway Company under their common seal first had and obtained: Provided always, that the Company may purchase and take from the Bodmin and Wadebridge Railway Company, and that company shall, if so required by the Company, grant in perpetuity to the Company, an easement or right of using for the purposes of the intended junction of the railway with the Bodmin and Wadebridge Railway, and for the purpose of the works and conveniences necessary in connexion with the said junction, such parts of the lands of the Bodmin and Wadebridge Railway Company as are necessary for those purposes.

Deviations in Bodmin and Wadebridge Railway to be made with consent of that company.

36. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to make the deviation railways by this Act authorised, or any of them, or to enter upon, take, and use for the purposes thereof any of the lands belonging to the Bodmin and Wadebridge Railway Company without the consent in writing of that company in each such case under their common seal first had and obtained.

Saving rights of the Bodmin and Wadebridge Railway Company.

37. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the Bodmin and Wadebridge Railway Company.

Deposit money not to be repaid until line opened or half the

38. 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 nine thousand seven hundred and thirty pounds three per centum consolidated Bank

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capital paid up and expended.

annuities, being equal to the sum of eight thousand nine hundred and fifty-three pounds, being five per centum upon the amount of the estimate in respect of the railway, has been transferred pursuant to the said Act in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock transferred as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised 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 Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Providing for application of deposit.

39. The said stock transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, 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 Court of Chancery in England think fits 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 Court, 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 said stock has been repaid 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 person or persons, or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

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

Tolls for passengers and animals.

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

In respect of passengers and animals conveyed on the railway:

For every person conveyed in or upon any carriage, the sum of twopence per mile, and if conveyed in or upon any carriage belonging to the Company an additional sum of one halfpenny per mile:

For every horse, mule, or other beast of draught or burden, the sum of fourpence per mile, and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile:

For every ox, cow, bull, or head of neat cattle, the sum of twopence per head per mile, and if conveyed in carriages belonging to the Company an additional sum of one halfpenny per mile:

For every calf or pig, sheep, lamb, or other small animal, one penny each per mile, and if conveyed in carriages belonging to the Company an additional sum of one halfpenny per mile:

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Tolls for goods.

In respect of goods conveyed on the railway:

For all coals, slack, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, ashes, dung, compost, and all sorts of manure, 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 halfpenny:

For all ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron, not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile not exceeding one penny halfpenny, and if conveyed in a carriage 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, deals, and metals (except iron), nails, anvils, vices, and chains, iron hurdles, and for light iron castings, per ton per mile not exceeding twopence, and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one halfpenny:

For cotton and other wools, drugs, rags, and 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 halfpenny:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than two tons, carried or conveyed on a truck or platform belonging to the Company, not exceeding sixpence per mile, and one penny per mile for every additional quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

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

Regulation as to tolls.

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

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

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand tolls and charges for passengers as for one mile, and for 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:

For a fraction of a ton the Company may demand tolls according to the number of the 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 in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

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

For the carriage of small parcels on the railway, as follows:

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

For any parcel exceeding seven pounds and 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 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 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.

For the carriage of single articles of great weight:

For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single

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article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding fourpence per ton per mile, and if conveyed in or upon a carriage provided by the Company a further sum not exceeding threepence per ton per mile:

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

Maximum rates for passengers.

45. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, 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 per mile.

Maximum rates for animals and goods.

46. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading or unloading 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,)

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

For cattle, threepence per head per mile:

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

For all coal, coke, and other articles herein-before classed therewith, one penny halfpenny per ton per mile:

For all iron and other articles herein-before classed therewith, twopence per ton per mile:

For all sugar, grain, and other articles herein-before classed therewith, threepence per ton per mile

For all cotton and other articles herein-before classed therewith, fourpence per ton per mile:

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than two tons, carried or conveyed on a truck or platform, per mile sixpence, and one penny for every additional quarter of a ton weight which such carriage may weigh.

Passengers luggage.

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.

Terminal station.

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

Restrictions as to charges not to apply to special trains.

49. 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 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 railway.

Company may take increased charges by agreement.

50. 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 to the conveyance of animals or goods (other than small parcels) by passenger train.

Power for Company to run over Bodmin and Wadebridge Railway.

51. The Company and all companies and persons lawfully using the railways of the Company, or any part or parts thereof, may, by agreement with the Bodmin and Wadebridge Railway Company under their common seal, but not otherwise, run over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description, the Bodmin and Wadebridge Railway, together with all tramways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said railway.

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Terms and conditions of running over.

52. The terms and conditions on which the Company or such other companies as aforesaid may run over and use the said Bodmin and Wadebridge Railway, and the works and conveniences connected therewith, shall be such terms and conditions as the companies interested from time to time agree on.

Tolls on railway run over under Act by Company.

53. The Company, or any company lawfully using the railways of the Company, may from time to time demand and take for all passengers, animals, and things conveyed by them on the Bodmin and Wadebridge Railway, and for carriages, waggons, and trucks respectively conveying the same, and provided by them, and for locomotive engines or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, rates, or other charges as by the several Acts relating to the said railway are authorised to be demanded and taken for like traffic, services, and matters thereon respectively, and in like manner and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

Arrangements with other companies.

54. The Company on the one hand, and the London and South-western Railway Company, the Bodmin and Wadebridge Railway Company, the Devon and Cornwall Railway Company, and the Cornwall Minerals Railway Company, or any or either of them, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," 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 maintenance and management by the contracting companies, or any or either of them, of the railway or any part thereof, and of the works connected therewith:

The use and working of the railway or of any part thereof, and the interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies:

The levying, fixing, collection, division, and apportionment of the tolls, rates, fares, charges, receipts, and revenues levied, taken, or arising from such traffic:

The payments, allowances, rebates, and drawbacks to be paid, made, or allowed by any or either of the contracting companies to the other or others of them for or on account of any of the matters to which the respective agreement relates.

Tolls on traffic conveyed partly

55. Where under the provisions of this Act traffic is conveyed partly on the railways of the Company and partly on the railway of

any other company, the railways of the Company and the railway of such other company shall for the purposes of 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 any other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile beyond four 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 any other company.

on railways of Company and partly on other railways.

56. Nothing contained in this Act shall extend to authorise the Company to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said Duchy, or of such other persons as may be duly authorised under the provisions of "The Duchy of Cornwall Management Act, 1863," section thirty-nine, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable, or otherwise for the time being exerciseable in relation to the said Duchy, or belonging to the Duke of Cornwall for the time being, without the consent of such Duke, testified in writing under the seal of the Duchy of Cornwall, first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

Saving rights of the Duchy of Cornwall.

57. 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 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."

Interest not to be paid on calls paid up.

58. 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

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

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force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Acts.

59. Nothing in this Act contained shall exempt 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.

Expenses of Act.

60. All the 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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