ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xx.

An Act for consolidating and amending the Acts relating to the *Liskeard and Caradon* Railway Company, for authorizing the Alteration of Portions of their existing Railway, and the Construction of new Works; and for other Purposes. [15th *May* 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Lamellion Bridge *in the Parish of* Liskeard *to* Tokenbury Corner *in the Parish of* Linkinhorne, *with a Branch Railway from* Crow's Nest *to* Cheesewring, *all in the County of* Cornwall, and by such Act a Company was incorporated under the Name of the *Liskeard and Caradon* Railway Company (in this Act called "the Company"), with Power to raise a Capital of Twelve thousand Pounds in Shares, and Four thousand Pounds by Mortgage or Bond: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *Liskeard and Caradon* Railway Act Amendment, 1847," whereby the Company was empowered to raise a further Sum of Ten thousand five hundred Pounds in Shares, and

6 & 7 Vict. c. xliii.

10 & 11 Vict. c. lxii.

and Three thousand five hundred Pounds by Mortgage or Bond: And whereas the Company, under the Provisions of the first-recited Act, have raised by Shares the Sum of Eleven thousand six hundred and twenty-five Pounds (Part only of the authorized Sum of Twelve thousand Pounds), which is divided into Four hundred and sixty-five Shares of Twenty-five Pounds each, fully paid up, and there remain unissued under that Act Fifteen Shares of Twenty-five Pounds each, representing an aggregate Amount of Three hundred and seventy-five Pounds: And whereas the Company, under the secondly-recited Act, have raised by Shares the Sum of Seven thousand two hundred Pounds (Part only of the authorized Sum of Ten thousand five hundred Pounds), which is divided into Eight hundred and sixty-four Shares of Eight Pounds Six Shillings and Eightpence each, fully paid up, and known as "One Third Shares," and entitled to a preferential Dividend at the Rate of Five Pounds *per Centum per Annum*, and there remain unissued Three hundred and ninety-six "One Third Shares" of Eight Pounds Six Shillings and Eightpence each, representing the aggregate Amount of Three thousand three hundred Pounds: And whereas the Company, under the first-recited Act, borrowed on Mortgage the Sum of Four thousand Pounds, but have since paid off the Sum of Three thousand Pounds, Part thereof, leaving their Mortgage Debt under that Act the Sum of One thousand Pounds: And whereas the Company have not borrowed any Money under the secondly-recited Act: And whereas the Company's Capital Account now stands as follows:

	£
465 Ordinary Shares of 25*l.* each, representing the Sum of - - - - - - -	11,625
864 "One Third Shares" of 8*l.* 6*s.* 8*d.* each, representing the Sum of - - - - -	7,200
Their Mortgage Debt - - - - -	1,000
Total Amount of existing Capital - -	£19,825

And whereas the Company's unexhausted Powers of raising Money are as follows:

	£
15 Unissued Ordinary Shares of 25*l.* each, representing the Sum of - - - - - -	375
396 Unissued "One Third Shares" of 8*l.* 6*s.* 8*d.* each, representing the Sum of - - -	3,300
Borrowing Powers - - - - - -	6,500
Total unexhausted Powers -	£10,175

And whereas it is expedient that the Company be empowered to raise further Capital by Shares and by borrowing: And whereas it is expedient that the Company should be empowered to alter and improve the Line and Levels of Portions of their existing Railway and Branch Railways, and to construct a new Branch Railway in connexion therewith, and to abandon and relinquish so much of the existing Railway and Branch Railway as will

will become unnecessary by reason of such Alterations and the Construction of such new Branch, and also to construct a Branch Railway to commence from and out of the existing Railway of the Company at or near *Crow's Nest* in the Parish of *Saint Cleer*, and to terminate in the Parish of *Linkinhorne* at or near *Tokenbury Corner*, all in the County of *Cornwall*: And whereas it is also expedient that the Company and the *Cheesewring* Granite Company (Limited) should be empowered to contract and agree for the Working, Use, Maintenance, Management, and Repair, or the Purchase or Lease by the Company, of the Railway of the *Cheesewring* Granite Company (Limited), called the *Kilmar* Railway, and all or any Estate or Interest therein and in the Lands upon which the same is constructed: And whereas it is expedient that the recited Acts should be repealed, and other Provisions made in lieu thereof: 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; (that is to say,)

Short Title.

I. This Act may for any Purpose be cited as "The *Liskeard and Caradon* Railway Act, 1860."

Recited Acts repealed.

II. Subject to the Provisions of this Act, the recited Acts are hereby repealed.

Company to continue incorporated.

III. Notwithstanding the Repeal of the Acts hereby repealed, the Company shall, for the Purposes of this Act, and as from the passing of the first-recited Act, remain incorporated by the Name of "The *Liskeard and Caradon* Railway Company," with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of their Undertaking, and with all the other Incidents of an incorporated Company.

8 & 9 Vict. cc. 16. 18. and 20. incorporated.

Interpretation of Terms.

IV. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," (except where otherwise specially provided by this Act,) are incorporated with this Act; and in construing the said Acts for the Purposes of this Act, and in construing this Act, the following Words and Expressions shall have the Meanings hereby assigned them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act;

The Expressions "the Company," or "the Promoters of the Undertaking," shall mean the *Liskeard and Caradon* Railway Company;

The Expressions "the Undertaking," or "the Works," or "the Railway" shall mean the Undertaking or Works by this Act vested in or authorized to be made by the Company;

And the Expression "the Lands," when it occurs in "The Railways Clauses Consolidation Act, 1845," shall mean the Lands which by this Act are vested in the Company, or authorized to be purchased by them for the Purposes of their Undertaking.

Company to continue seised and possessed of their Undertaking, Estate, and Effects.

V. The Company shall continue seised and possessed of and entitled to all the Railways, Tramways, Undertakings, Buildings, and Works of every Description, and all the Lands, Tenements, Hereditaments, Estate, and Effects, Real and Personal, whereof they were seised or possessed, or whereto they were entitled, immediately before the passing of this Act, as fully and effectually to all Intents and Purposes as if the said Acts had not been hereby repealed.

Conveyances to remain in force.

VI. All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of the Acts hereby repealed, or either of them, or with reference to any of the Purposes thereof, shall, notwithstanding the Repeal of the said Acts, be as good, valid, and effectual to all Intents and Purposes as they would have been if the said Acts had not been repealed, and may be proceeded on and enforced accordingly.

Continuance of Liabilities of Company under repealed Acts.

VII. Notwithstanding the Repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by the repealed Acts, or either of them, shall be as valid as if such Acts were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Acts were not repealed and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered, and the Company continued by this Act shall be liable, in respect of all such Rights, Liabilities, Claims, and Demands, in the same Manner and to the same Extent as the Company would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not passed: Provided always, that the Generality of the Provisions in this Enactment shall not be confined or restricted by any Provision in this Act.

Actions, &c. not to abate.

VIII. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect, whether in favour of or against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not been passed; and all Offences against the Provisions of the Acts hereby repealed, or either of them,

them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not been passed.

Reserving Powers and Provisions of other Acts.

IX. All the Powers and Provisions contained in any Act or Acts of Parliament relating to the Company or their Undertaking, not being the recited Acts hereby repealed, shall, except in so far as they are expressly varied or modified by this Act, continue in force notwithstanding the passing of this Act, and may be exercised or enforced either by or against or in reference to the Company in like Manner and to the same Extent as they might have been enforced if this Act had not been passed, and all Acts, Agreements, Matters, and Things done thereunder or in virtue and in pursuance thereof, or which may have been confirmed or sanctioned thereby, shall, except as aforesaid, be unaffected by the passing of this Act.

Debts due to and by the Company to be paid to and by them.

X. All Persons who immediately before the passing of this Act owed any Sum of Money to the Company, or to any Person on their Behalf, shall pay the same, with all the Interest (if any) due and payable or accruing for the same, to the Company, and all Moneys which immediately before the passing of this Act were due or owing by or recoverable from the Company, or for the Payment and Satisfaction of which the Company were or but for this Act would be liable, shall, with all Interest (if any) due or to accrue thereon, be paid by, or be recoverable from, or be satisfied by the Company.

Moneys paid into the Bank of England.

XI. In every Case in which, under the Provisions of the Acts hereby repealed, or either of them, any Money was before the passing of this Act paid by the Company into the Bank of *England*, or to any Trustees or Trustee, as Purchase or Compensation Money, or on any other Account, such Money, or the Stocks, Funds, or Securities in or upon which the same is or shall be invested by the Order of the Court of Chancery or otherwise, and the Interest, Dividends, and annual Produce thereof, shall, after the passing of this Act, be applied and disposed of pursuant to the Act under which the said Money was so paid; and the Obligations of the Company under such Act with respect to such Moneys, Stocks, Funds, and Securities shall be observed and performed by the Company.

Officers to continue.

XII. Every Auditor, Officer, and Servant appointed by virtue of or acting under the Authority of the repealed Acts, or either of them, shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Auditor, Officer, or Servant of the Company until he be removed from such Office or Employment, and he shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Rules, Regulations, Pains, and

Penalties in all respects whatsoever, as if he were appointed under this Act.

Books to be Evidence.

XIII. All Books, Plans, Sections, Certificates, Writings, and Documents by the repealed Acts, or either of them, directed or authorized to be kept or made Evidence, and which, if this Act had not been passed, would be receivable in Evidence, shall be admitted in Evidence in all Courts of Law and Equity and elsewhere accordingly.

Byelaws continued for Six Months.

XIV. Notwithstanding the Repeal of the recited Acts, all Byelaws of the Company made before the passing of this Act shall for the Purposes of this Act, but not (unless sooner confirmed under this Act) for a greater Period than Six Months after the passing of this Act, continue of full Force as if the Repeal had not happened, and the Byelaws may be enforced, and all Proceedings thereon may be continued or taken, and all Penalties thereunder may be recovered, as if they were Byelaws made under this Act.

Resolutions, &c. continued.

XV. Notwithstanding the Repeal of the recited Acts, all Resolutions, Orders, and Proceedings of General Meetings and Boards of Directors of the Company which immediately before the passing of this Act were binding on the Company, or their Directors, Officers, or Servants, or any of them, shall continue in full Force, and be in like Manner binding on the Company, and their Directors, Officers, and Servants accordingly.

Capital.

XVI. Upon the passing of this Act the Capital of the Company in Shares shall be Eighteen thousand eight hundred and twenty-five Pounds, and shall consist of the following Shares; *viz.*,

465 Ordinary Shares of 25*l.* each, representing the Sum of - - - - -	£11,625
864 One Third Shares of 8*l.* 6*s.* 8*d.* each, representing the Sum of - - -	7,200
	£18,825

but such Capital may from Time to Time be augmented by the Creation and Issue of new Shares as by this Act provided.

Certificates of Shares in old Capital to continue available.

XVII. The Certificates of the Shares created and issued under the Powers of the Acts hereby repealed, or either of them, shall be the Certificates of the Shares of so much of the Capital of the Company as has been raised at the passing of this Act; and such Shares and Certificates respectively shall continue and be vested in the same Persons, and be subject to the same Trusts and Liens, and the Holders thereof shall have the same Powers and Privileges in all respects, as immediately before

before the passing of this Act, and so as to give Effect to and not revoke any testamentary Disposition affecting the same.

New Capital.

XVIII. The Company from Time to Time, in addition to the said Sum of Eighteen thousand eight hundred and twenty-five Pounds, may raise by the Creation and Issue of new Shares such further Sums, not exceeding Twelve thousand Pounds, as they from Time to Time think fit.

New Shares, how to be created.

XIX. The new Shares to be created by virtue of this Act may be of such Amount as the Company at any Meeting specially convened for the Purpose shall determine, and the Company may issue such Shares from Time to Time to such Persons and in such Manner as by the Order of any such Meeting shall be fixed and determined.

Incidents and Privileges of new Shares.

XX. The new Shares to be created by virtue of this Act shall be deemed Personal Estate, and shall be transmissible and transferable as such in the Manner provided by "The Companies Clauses Consolidation Act, 1845," and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be, and they are hereby declared to be, Owners of and Proprietors of Shares in the Undertaking, and to be interested therein and entitled to Dividends and Profits, and to vote in respect thereof in proportion to the Amount of such new Share or Shares; and the Directors of the Company are hereby empowered to call up such Shares by such Instalments and payable at such Times as they may think fit; and the several Proprietors of such new Shares shall be and are hereby united and incorporated with the Company.

Calls.

XXI. Twenty Pounds *per Centum* on the Amount of each Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any new Shares created by virtue of this Act; and Three Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Eighty Pounds *per Centum* of the Amount of such Share.

Power to borrow on Mortgage.

XXII. And whereas the paid up Capital of the Company is Eighteen thousand eight hundred and twenty-five Pounds, and their Mortgage or Bond Debt is One thousand Pounds: Therefore the Company may at any Time after the passing of this Act borrow on Mortgage such Sum of Money as may from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Five thousand Pounds, in addition to the Sum of One thousand Pounds now owing by them on Mortgage; and when and so soon as the whole of the additional Capital of Twelve thousand

thousand Pounds by this Act authorized to be raised shall have been subscribed for, and One Half thereof paid up, and the Company shall 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 all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company may in like Manner borrow on Mortgage or Bond any further Sums not exceeding in the whole, including their present Debt and the Sum of Five thousand Pounds so authorized to be borrowed, the Sum of Ten thousand Pounds.

Power to reborrow.

XXIII. If the Company shall pay off any Sums owing by them on Mortgage or Bond, whether the same shall have been borrowed prior to the passing of this Act or subsequent thereto, they may again borrow the Sum so paid off, and so from Time to Time as Occasion shall require.

Mortgagees may enforce Payment of Arrears by Appointment of a Receiver.

XXIV. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver shall be not less than One thousand Pounds in the whole.

Former Mortgages to have Priority.

XXV. All Mortgages or Bonds granted under the Authority of the recited Acts, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds created by virtue of this Act; and the several Mortgagees and Holders of such Bonds shall have the same Priorities amongst themselves in respect of their Mortgages or Bonds as they would have had if this Act had not been passed.

Application of Revenue.

XXVI. The Revenues of the Company applicable to the Payments of Dividends shall be applied in the first instance in Payment of a Dividend at the Rate of Five Pounds *per Centum per Annum* to the Holders of the Eight hundred and sixty-four "One Third Shares," and the Residue thereof shall be divisible rateably amongst the other Holders for the Time being of Shares in the Company according to the Amounts from Time to Time paid up by them upon their respective Shares: Provided always, that the Company may, with the Consent of the Votes of Three Fifths of the Holders of Ordinary Shares present personally or by Proxy at any Meeting specially convened for the Purpose, apply to the Purposes of this Act such Portion as they from Time to Time think fit of the Revenues of the Company applicable to the Payment of Dividend which may remain after Payment of the Dividend to the Holders of the "One Third Shares."

XXVII. The

Interest not to be paid on Calls paid up.

XXVII. The Company shall not, out of any Money by this Act authorized 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; provided that this Act shall not prevent the Company from paying Interest on Money paid in anticipation of Calls, in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845."

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

XXVIII. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money 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 authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Power to close Transfer Books at certain Periods.

XXIX. The Directors may close the Registers of Transfer for a Period not exceeding Fourteen Days previous to each Extraordinary Meeting of the Company, and they may fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper published in the County of *Cornwall*, and any Transfer made during the Time when the Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to any such Meeting.

Application of Capital and Money borrowed.

XXX. The Company shall apply the Moneys raised by Shares in their Capital, and by the Exercise of their Powers of borrowing to the Purposes of this Act, including the new Works by this Act authorized, and to no other Purpose.

Meetings of theCompany.

XXXI. The Ordinary Meetings of the Company shall be held on the Second *Tuesday* in *February* in each Year.

Number of Shareholders competent to require Extraordinary Meeting.

XXXII. The Number of Shareholders on whose Requisition the Directors shall be bound to call an Extraordinary Meeting of the Company shall be Four or more, holding in the aggregate not less than Twenty Shares to the Amount of Five hundred Pounds.

Quorum for General Meetings.

XXXIII. The Quorum for a General Meeting shall be Five or more Shareholders holding in the aggregate One hundred Shares to the Amount of Two thousand five hundred Pounds.

Scale of voting.

XXXIV. At all General Meetings of the Company every Shareholder shall, subject as herein-after mentioned, be entitled to vote according to the Scale of voting herein-after mentioned (that is to say):—Every Shareholder possessing Two Shares shall have One Vote,

and every Shareholder possessing Four Shares shall have Two Votes, and every Shareholder possessing Five Shares shall have Three Votes, and every Shareholder possessing an additional Number of Five Shares shall have Two Votes in respect of every such additional Number of Five Shares: Provided always, that for the Purposes of this Clause, and in computing the Number of Votes to which the Holders of the One Third Shares shall be entitled, Three of such One Third Shares shall count and be estimated as One Share only, and the Holders of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the Amount of paid up Capital represented by such Shares would have entitled them to if they had been possessed of original Shares in the Undertaking of the Company.

Regulations as to Proxies.

XXXV. No Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy shall have been transmitted to the Secretary of the Company Three Days at least before the holding of the Meeting at which such Proxy is to be used, and no Person shall at any One Meeting represent as Proxy more than Five Shareholders.

Directors.

XXXVI. The Number of Directors shall be Eight, and the Persons who were Directors immediately before the passing of this Act shall continue in Office, and be the first Directors under this Act.

Qualification of Directors.

XXXVII. The Qualification of a Director shall be the Possession of Four or more Shares representing not less than One hundred Pounds of the Capital of the Company.

Rotation of Directors.

XXXVIII. The Directors continued in Office by this Act, or the Directors elected to supply their Places, shall retire from Office at the Times and in the Proportions following, the Individuals to retire being in each Instance determined by Ballot among the Directors, unless they shall otherwise agree; (that is to say,)

At the Ordinary Meeting of the Company in the Month of *February* One thousand eight hundred and sixty-one One Fourth of such Directors shall go out of Office;

At the Ordinary Meeting of the Company in the Month of *February* One thousand eight hundred and sixty-two One Third of the remaining Number of such Directors shall go out of Office;

At the Ordinary Meeting of the Company in the Month of *February* One thousand eight hundred and sixty-three One Half of the Remainder of such Directors shall go out of Office; and,

At the Ordinary Meeting of the Company in the Month of *February* One thousand eight hundred and sixty-four the Remainder of such Directors shall go out of Office:

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of Shareholders qualified as aforesaid; and at the Ordinary

Ordinary Meeting of the Company in the Month of *February* in every subsequent Year One Fourth of the Directors, being those who have been longest in Office, shall go out of Office and cease to be Directors, and their Places shall be supplied in like Manner; nevertheless, every Director so retiring from Office may be re-elected immediately or at any future Time, and after such Re-election shall, with reference to the going out by Rotation, be considered as a new Director.

Company may reduce Number of Directors.

XXXIX. The Company may from Time to Time at any General Meeting, upon Special Notice, reduce the Number of Directors, so that the reduced Number be not less than Six; and if the Number shall be reduced to Six, the Directors shall thenceforth retire from Office as provided by "The Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XL. The Quorum of a Meeting of Directors shall be Three.

Quorum of Committees.

XLI. The Quorum of Committees of Directors shall be such as the Directors at the Time of appointing the Committee prescribe.

Qualification of Auditors.

XLII. Every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director.

Undertaking of Company.

XLIII. The Undertaking of the Company shall consist of the Railway and Branch Railway and Works as constructed under the Authority of the repealed Acts, with such Alterations therein as may be made by the Company under the Authority of this Act, and also of the Branch Railways and Works constructed or acquired by the Company under this Act.

Deposit of Plans, &c., and Power to execute Works.

XLIV. And whereas Plans and Sections showing the proposed Alterations in the Line and Levels of Portions of the existing Railway and Branch, and also showing the Line and Levels of the new Railways by this Act authorized, with Books of Reference to such Plans, have been deposited with the Clerk of the Peace for the County of *Cornwall*: Therefore, subject to the Powers and Provisions in this Act contained, the Company may enter upon, take, and use all or any of the Lands shown on the said Plans and described in the said Books of Reference in relation to the said Alterations of the existing Railway and Branch, and to the new Railways respectively, and may construct the Works hereinafter mentioned in the Lines and according to the Levels shown on those Plans and Sections; (that is to say,)

An Alteration in and Improvement of the Line and Levels of that Portion of their Railway which is situate between its Commencement at or near *Moorswater* in the Parish of *Liskeard* and the *South Caradon* Copper Mine in the Parish of *Saint Cleer*, and also of that Portion of their Branch Railway to *Cheesewring* which lies between the

the Summit of the Inclined Plane at or near *Gonamena* in the Parish of *Saint Cleer* and the Junction of that Branch with the Railway or Tramroad belonging to the *Cheesewring* Granite Company (Limited) in the Parish of *Linkinhorne:*

A new Railway (with all proper Works and Conveniences connected therewith) to commence by a Junction with the main Line of Railway as proposed to be altered at or near *Trecarne Farm* in the Parish of *Saint Cleer*, and to terminate at or near the Summit of the Inclined Plane aforesaid:

A Branch Railway from and out of the existing Railway of the Company at or near a Place called *Crow's Nest* in the Parish of *Saint Cleer* to a Place called *Tokenbury Corner* in the said Parish of *Linkinhorne.*

Powers for compulsory Purchases limited.

XLV. 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 Completion of Works.

XLVI. The Alterations of the existing Railway and Branch and the new Railways herein-before described shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same shall cease to be exercised, except as to so much thereof as is then completed.

Dividends suspended if new Railway and Branch not opened within limited Time.

XLVII. If the new Railway and Branch Railway by this Act authorized shall not be completed and opened for Public Traffic within Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to pay any Dividend on their Ordinary Capital until the said Railway and Branch Railway shall have been completed and opened for Public Traffic.

Land for extraordinary Purposes.

XLVIII. The Company may, in addition to the other Lands which they are by this Act authorized to take, purchase by Agreement any Quantity of Land for the Extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," adjoining or near to the Railways hereby authorized, not exceeding Ten Acres.

Power to abandon Portions of Railway and Branch Railway.

XLIX. After the Completion and opening for Public Traffic of the Works herein-before described the Company shall abandon and relinquish so much of their Railway and Branch Railway, as already constructed, as will become unnecessary by reason of the Execution of those Works, and thereupon all the Powers, Authorities, and Privileges by this Act granted to the Company for or with reference to the Portions of Railway and Branch Railway so authorized to be abandoned shall cease and determine.

As to Sale of Lands on which Portions of Railway to be abandoned are situate.

L. The Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of this or the Special Act or any Act incorporated therewith, but which shall not be required for the Purposes thereof, shall apply to such Part of the Lands on which the Portions of Railway and Branch Railway by this Act authorized to be abandoned are constructed as may not be required by the Company for the Purposes of their Undertaking; and the prescribed Period in those Provisions referred to shall mean Ten Years after the Abandonment under this Act of the said Portions of Railway and Branch Railway.

Power to enter into Agreements for leasing or purchasing the Kilmar Railway.

LI. The Company and the *Cheesewring* Granite Company (Limited) and all other Parties interested therein may from Time to Time, with the Sanction as regards the Company of Three Fifths of the Votes of their Shareholders present, personally or by Proxy, at a Meeting of the Company specially convened for the Purpose, enter into and carry into effect such Contracts and Agreements as they may think fit for the leasing to or Purchase by the Company of the Railway of the *Cheesewring* Granite Company (Limited) called the *Kilmar* Railway, and all or any Interest therein and in the Lands upon which the same is constructed; and any Lease executed in pursuance of any such Contract or Agreement may be for such Term of Years, for such Rent or Consideration, or upon such other Terms and Conditions as may have been or may be agreed upon between the Parties, and shall operate to vest the Premises thereby demised during the Continuance thereof in the Company as Part of their Undertaking; and any Conveyance executed in pursuance of any such Contract or Agreement may be either in consideration of an annual Payment or of a Sum in gross, or on such other Terms and Conditions as may have been or may be mutually agreed upon between the Parties, and shall operate to vest the Premises thereby conveyed in the Company absolutely as Part of their Undertaking.

Power to enter into Agreements for the Working, &c. of the Kilmar Railway.

LII. The Company and the *Cheesewring* Granite Company (Limited) and all other Parties interested therein may from Time to Time, with the Sanction, as regards the Company, of Three Fifths of the Votes of their Shareholders present personally or by Proxy at a Meeting of the Company specially convened for the Purpose, enter into and carry into effect such Contracts and Agreements as they may think fit for the Working, Use, Maintenance, Management, and Repair by the Company of the Railway of the *Cheesewring* Granite Company (Limited) called the *Kilmar* Railway, and during the Subsistence of any such Contract or Agreement the *Kilmar* Railway shall be considered as Part of the Undertaking of the Company, and be subject to all the Powers and Provisions of the Acts applicable to the Undertaking for the Time being of the Company.

Tolls.

LIII. The Company may lawfully demand any Tolls for the Use of the Railways for the Time being constituting their Undertaking, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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

For all Copper, Copper Ore, Tin, Tin Ore, Lead, Lead Ore, Iron, Iron Ore, Antimony, Manganese, and all other Ores, Metals, Minerals, and Semi-Metals, Wrought and Cast Iron, Coals, and Culm (not used for burning Lime), Bricks, Tiles, Slates, and Stone used for making Roads, Timber, and Deals, the Sum of Fourpence *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Lime, Limestone, Culm or Coal for burning Lime, Sand, Oreweed, Dung, Compost, and all other Sorts of Manure, Building Stone, Freestone, Granite, and Clay, the Sum of Twopence *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Grain, Corn, Flour, Meal, and Potatoes, Hay, Straw, Seeds, Vetches, Peas, Salt, and all other Goods, Wares, Merchandise, and other Articles, Matters, or Things whatsoever, the Sum of Sixpence *per* Ton *per* Mile; and if conveyed in Carriages provided by the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

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

And a further Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh.

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

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

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

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

LIV. The

Toll for propelling Power.

LIV. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway, or for Horse Power, shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to Tolls.

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

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

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

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

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

Maximum Rate of Charge for Passengers;

LVI. The maximum Rate 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 of Carriages, and for Locomotive or Horse Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

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.

and for Cattle, Goods, &c.

LVII. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and Locomotive and Horse Power, and every Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Horse or other Beast of Draught or Burden, before classed with Horses, the Sum of Fivepence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Fourpence *per* Mile:

For every Calf, Pig, Sheep, or small Animal, Threepence *per* Mile:

For

For every Carriage the Sum of Sixpence *per* Mile:

For Copper and other Articles herein-before classed therewith the Sum of Sixpence *per* Ton *per* Mile:

For Lime and other Articles herein-before classed therewith the Sum of Fourpence *per* Ton *per* Mile:

For Grain and other Articles herein-before classed therewith the Sum of Eightpence *per* Ton *per* Mile.

Restrictions *as to* Tolls not to apply to Special Trains.

LVIII. The Restrictions as to Tolls and Charges to be made for Passengers and Articles herein-before mentioned shall not extend to any Special Train that may be required to run on the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods on the Railway.

Tolls for small Parcels and Articles of great Weight.

LIX. With respect to small Parcels, Packages, and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the following; (that is to say,)

For the Carriage of small Parcels on the Railway, or on any Part thereof, as follows:

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

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, Eightpence:

For any Parcel exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, One Shilling:

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Five Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding One Shilling *per* Ton *per* Mile, including Railway Carriages and locomotive Power:

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.

LX. Nothing

Company may take increased Charges by Agreement.

LX. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges hereinbefore limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Passengers Luggage.

LXI. Every Passenger travelling on the Railway may carry with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any extra Charge being made by the Company in respect thereof.

Power to Company and Harbour Commissioners to enter into Agreements.

LXII. The Company and the Commissioners acting in execution of an Act passed in the Session held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for maintaining and improving the Harbour of* Looe *in the County of* Cornwall, *and for taking down the present Bridge between* East *and* West Looe, *across the said Harbour, and erecting a new Bridge instead thereof*, may from Time to Time enter into and carry into effect such Arrangements and Agreements for such Period, and upon such Terms and Conditions, as they respectively may think fit with respect to the laying down of Rails on the Wharves, Quays, and Property of the Commissioners, and with respect to the Use by the Company of the Wharves, Quays, Shipping Places, Staiths, Slips, Warehouses, Buildings, and Works of the Commissioners, and other Conveniences and Accommodation: Provided always, that no such Agreement shall prejudice or affect the Rights of any Person or Corporation not Party thereto to use the Wharves, Quays, and Property of the Commissioners.

Saving Rights of the Duchy of Cornwall.

LXIII. Provided always, That nothing contained in this Act or in the several Acts incorporated herewith or herein mentioned or referred to shall extend to authorize 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 Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being without the Consent of such Duke, testified in Writing under the Privy Seal of such Duke 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.

Railways not exempt from Provisions of present and future General Acts.

LXIV. This Act or anything therein shall not exempt the Railways of the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the Tolls for small Parcels, and the maximum Rates of Fares and Charges by this Act authorized.

Expenses of Act.

LXV. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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