ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxii.

An Act to enable the *Liskeard and Caradon* Railway Company to raise a further Sum of Money.

[25th *June* 1847.]

WHEREAS an Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An* 6 & 7 Vict.
Act for making a Railway from Lamellion Bridge *in the* c. 43.
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, whereby certain Persons were incorporated under the Name of "The *Liskeard and Caradon* Railway Company:" And whereas the Capital authorized to be raised by the said recited Act has been found to be insufficient for the Purpose of completing the Railway thereby authorized, and it is expedient that the said Company should be authorized to raise a further Sum of Money for the Purpose of effectually carrying the Objects of such Act into execution: 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

Increase of Capital.

the same, That it shall be lawful for the said *Liskeard and Caradon* Railway Company to raise, by creating new Shares (in addition to the Sums of Money which they are authorized to raise by virtue of the said recited Act), any further Sum of Money, not exceeding in the whole the Sum of Ten thousand five hundred Pounds, in such Manner and with the like Powers and subject to the same Provisions under which by the said recited Act they are authorized to raise additional Capital by the Creation of new Shares in lieu of borrowing the Sum by the said recited Act authorized to be borrowed, or for the Conversion of such Sums, or any Part thereof, if borrowed, into Capital: Provided always, that the new Shares so to be created shall be of such nominal Amount and shall be entitled to such Privileges as the Company may determine.

New Shares to be considered same as original Shares.

II. And be it enacted, That the Capital so to be raised by the Creation of new Shares or Stock shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any ordinary or extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

As to Votes of Proprietors of new Shares.

III. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

Power to borrow on Mortgage.

IV. And be it enacted, That after the whole of the Capital by this and the said recited Acts authorized to be raised shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sum authorized to be borrowed by the said recited Act, the Sum of Three thousand five hundred Pounds, and to secure the Repayment of the Sum so borrowed, with Interest, by Mortgage or Bond, as by the said recited Act provided, subject to the several Provisions and Conditions in the said Act contained as applicable to the Mortgages and Bonds thereby authorized to be created.

V. And

Reborrowing.

V. And be it enacted, That if after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond the said Company shall desire to pay off, or shall actually pay off the same, it shall be lawful for them again to borrow the Amount so paid off, or desired to be paid off, and so from Time to Time.

Mortgages under former Act to have Priority.

VI. Provided always, and be it enacted, That all Mortgages or Bonds which may have been already created under the Powers of the said Act shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Power to convert Loan into Capital.

VII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company in manner aforesaid; but no such Augmentation of Capital shall take place unless by Order of a General Meeting of the Company.

Interest not to be paid on Calls paid up.

VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the said first-recited Act in that Behalf contained.

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

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

X. And

Indemnifying certain of the Directors who have borrowed Money on personal Security.

X. And whereas certain of the Directors and Proprietors of the said Company, for the Purpose of enabling the said Company to raise Part of the Money required for the said Undertaking, and also for the Purpose of expediting the Completion of the same, have entered into certain personal Securities for the Repayment of Monies, and have also incurred other personal Liabilities for and on behalf of the said Company; be it enacted, That any Director or Proprietor who may at the Time of the passing of this Act be personally liable for any Debt or Engagement of the said Company, and the Heirs, Executors, and Administrators of such Director or Proprietor respectively, shall be indemnified and saved harmless, by and out of the Assets for the Time being of the said Company, from and against all Payments made or Liabilities incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, Damages, or Expences which any such Director or Proprietor shall have incurred as aforesaid: Provided always, that nothing herein contained shall authorize or empower the said Company to raise on the Security of the said Undertaking, or by Shares, any greater Sum than they are herein-before authorized to raise.

Maximum Charges.

XI. And be it enacted, That the maximum Charge to be made by the Company for the Conveyance of Passengers, and of the several Articles, Matters, and Things herein-after mentioned, including the Tolls for the Use of the Railway, and for Waggons or Trucks, and every Expence incidental to such Conveyance, except the loading and unloading of Goods and the Supply of Horse Power, shall not exceed the following Sums; that is to say,

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, Slate, and Stone used for making Roads, Timber and Deals, *per* Ton *per* Mile Five-pence:

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, *per* Ton *per* Mile Three-pence:

For all Grain, Corn, Flour, Meal, and Potatoes, Hay, Straw, Cattle, Calves, Sheep, Swine, and other Beasts, Seeds, Vetches, Peas, Salt, and other Goods, Wares, Merchandizes, and other Articles, Matters, or Things whatsoever, *per* Ton *per* Mile Seven-pence:

For every Passenger conveyed by a First-class Carriage, *per* Mile Three-pence:

For every Passenger conveyed by a Second-class Carriage, *per* Mile Two-pence:

For every Passenger conveyed by a Third-class Carriage, *per* Mile One Penny.

Passengers Luggage.

XII. And be it enacted, That every Passenger travelling on the said Railway may carry with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any extra Charge being made by the Company in respect thereof.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. and 105.

XIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting the Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railway by this and the said recited Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railway and Company, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

XIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Act authorized to be made from the Provisions of any general Act relating to such Act, or of any general Act relating to Railways 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 maximum Rates of Fares and Charges authorized by this Act.

Short Title.

XV. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Liskeard and Caradon* Railway Act Amendment, 1847."

Public Act.

XVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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