ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. clxiii.

An Act for making a Railway from the *Cornwall* Railway, near *Burngullow*, to the *Saint Dennis* Branch of the *Newquay* Railway, near *Hendra*, in the County of *Cornwall*; and for other Purposes. [14th *July* 1864.]

WHEREAS the making of a Railway from the *Cornwall* Railway to the *Saint Dennis* Branch of the *Newquay* Railway, all in the County of *Cornwall*, would be of public and local Advantage: And whereas Plans and Sections of the said Railway, showing the Line and Levels thereof, and describing the Lands authorized to be acquired under this Act, and a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Cornwall*: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution: And whereas it is expedient that the Company incorporated by this Act, and the *Cornwall* Railway Company, and the Owners for the Time being of a certain Railway or certain Tramroads constructed under the Authority of an Act passed in the Seventh and Eighth Years of the Reign

The Newquay and Cornwall Junction Railway Act, 1864.

7 & 8 Vict. c. xxiii.

Reign of Her present Majesty, intituled *An Act to amend an Act for maintaining the Pier and Harbour of* Newquay *in the County of* Cornwall, *and to make certain Tramroads in connexion therewith*, and of "*Treffry*'s Estate (*Newquay* Railway) Act, 1857," or either of those Acts, should be empowered to enter into and carry into effect Agreements as in this Act mentioned: And whereas the Purposes aforesaid 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 for any Purpose as "The *Newquay and Cornwall Junction* Railway Act, 1864."

8 & 9 Vict. cc. 16. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," (save so far as any of the Clauses and Provisions thereof respectively are expressly excepted or varied by this Act,) shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In construing this Act, the Expression "the Company" shall mean the *Newquay and Cornwall Junction* Railway Company by this Act incorporated; the Expression "*Treffry*'s Trustees" shall mean the Owners for the Time being of the Railway or Tramroads constructed under the Authority of an Act of Parliament passed in the Seventh and Eighth Years of the Reign of Her present Majesty,

7 & 8 Vict. c. xxiii.

intituled *An Act to amend an Act for maintaining the Pier and Harbour of* Newquay *in the County of* Cornwall, *and to make certain Tramroads in connexion therewith*, and of "*Treffry*'s Estate (*Newquay* Railway) Act, 1857," or either of those Acts; the Expression "the Tramroads" shall mean the Railway or Tramroads constructed under the Authority of the last-mentioned Acts or either of them; the Expression "the Railway" shall mean the Railway, Stations, Works, and Conveniences connected therewith by this Act authorized; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Same Meanings to Words in

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall

shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act. incorporated Acts as in this Act.

5. *Edward Brydges Willyams*, *Humphry Willyams*, *Robert Thomas Head*, *Edward Lambert*, *William Langdon Martin*, *George Yelland*, *Charles Truscott*, *Thomas Olver*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after authorized, according to the Provisions of this Act, and of the Acts wholly or partially incorporated herewith, and for other the Purposes herein and in those Acts mentioned, and for such Purposes shall form One Body Corporate by the Name of "the *Newquay and Cornwall Junction* Railway Company," with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained. Subscribers incorporated.

6. The Capital of the Company shall be Twenty-seven thousand Pounds, and shall be applied solely to the Purposes of this Act. Capital.

7. The Capital shall be divided into One thousand three hundred and fifty Shares, and the Amount of each Share shall be Twenty Pounds. Number and Amount of Shares.

8. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid in respect thereof. Shares not to issue until One Fifth Part paid up.

9. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of a Call, and Two Months at the least shall be the Interval between successive Calls, and Sixty Pounds *per Centum* of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon any Share. Calls.

10. The Company may borrow on Mortgage any Sums not exceeding Nine thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the Capital shall have been subscribed for, and One Half thereof shall have been actually 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," Power to borrow on Mortgage.

1845," before he so certifies, that Shares for the whole of the Capital are issued and accepted, and that not less than One Fifth Part of the Amount thereof has been paid up on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were taken *bonâ fide*, and are held by the Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable; and the whole of the Money so borrowed shall be applied solely to the Purposes of this Act.

Arrears may be enforced by Appointment of a Receiver.

11. The Mortgagees under this Act may enforce the Payment of the Arrears of Interest, or of Principal and Interest, due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition of a Receiver shall be Nine hundred Pounds.

Interest not to be paid on Calls paid up.

12. The Company shall not, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividends to any Shareholder on the Amount of 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 contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

13. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of this Act, 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 Company to construct any other Railway, or to execute any other Work or Undertaking.

First General Meeting.

14. The First General Meeting of the Shareholders shall be held within Six Months after the passing of this Act.

Number and Qualification of Directors.

15. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary Number of Directors.

16. The Company may, by the Votes of any Ordinary or Extraordinary Meeting, from Time to Time reduce the Number of Directors for the Time being, but so that such Number shall at no Time be less than Three; and the Company may also on the Occasion of

of each such Reduction determine which Director or Directors shall retire, and the future Order of Rotation in which the reduced Number of Directors shall go out of Office.

First Directors.

17. *Edward Brydges Willyams*, *Humphry Willyams*, *Robert Thomas Head*, *Edward Lambert*, *William Langdon Martin*, and *George Yelland* shall be the First Directors of the Company.

Election of Directors at First Ordinary Meeting.

18. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting in the Year One thousand eight hundred and sixty-four, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors to supply the Place of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

19. At the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-five, and in every Year thereafter, the Shareholders present, personally or by proxy, shall elect Persons to supply the Place of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation Act, 1845," contained, 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 Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

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

Auditor.

21. There shall be One Auditor; and the Auditor to be elected at the First Ordinary Meeting after the passing of this Act shall continue in Office until the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-five, and at that Meeting and at the First Ordinary Meeting in every subsequent Year the Auditor then in Office shall retire from Office, but shall be immediately re-eligible.

As to Money payable to Persons under Disability.

22. If any Money be payable to any Shareholder being a Minor, Idiot, Lunatic, or *non compos mentis*, the Receipt of the Guardian of such Minor, or of the Committee of such Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for the same.

Power to take Lands.

23. Subject to the Provisions of this Act and the Acts wholly or partially incorporated herewith, the Company may enter upon, take, and

and use all or any of the Lands shown on the deposited Plans and described in the Books of Reference thereto.

Power to make Railway according to deposited Plans.

24. Subject to the Provisions in this Act and the Acts wholly or partially incorporated herewith contained, the Company may make and maintain in the Line and according to the Levels and upon the Lands delineated on the said Plans and Sections, and described in the said Book of Reference, the Railway following, with Approaches, Stations, Wharves, Works, and Conveniences connected therewith; that is to say,

Description of Works.

A Railway to commence by a Junction with the *Cornwall* Railway, at or near to the *Burngullow* Station of that Railway, in the Parish of *Saint Mewan* in the County of *Cornwall*, and to terminate by a Junction with the *Saint Dennis* Branch of the *Newquay* Railway, near to the Village of *Hendra*, in the Parish of *Saint Dennis* in the same County.

Regulating Inclinations of certain Roads.

25. As regards the Roads next herein-after mentioned, the Company may make those Roads respectively, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads respectively; (that is to say,)

No. of Road on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
99	Saint Stephen's, in Branwell.	Public road - -	1 in 12
359	Saint Stephen's, in Branwell.	Public road - -	1 in 15

Lands for extraordinary Purposes.

26. The Company may purchase by Agreement, and hold for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding in the whole One Acre.

Powers for compulsory Purchases limited.

27. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

28. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act or the incorporated Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be

be exercised, except as to so much of the Railway as shall then be completed.

Provision as to Money deposited.

29. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Two thousand one hundred and sixty Pounds, being Eight Pounds *per Centum* upon Twenty-seven thousand Pounds, the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum so deposited in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 by which the Payment of the said Sum was directed to be made, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum so deposited as aforesaid shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum so deposited as aforesaid if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public

public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners (of which Fact a Certificate under the Hand of the said Solicitor shall be sufficient Evidence), or if, previously to the Expiration of the Period aforesaid, the Company shall either have opened the said Railway for the public Conveyance of Passengers, or shall have given such Proof as aforesaid, (of which last-mentioned Fact a Certificate under the Hand of One of the Secretaries for the Time being of the Lords of the said Committee shall be sufficient Evidence,) then and in either of the Cases aforesaid such Sum of Money, and the Interest or Dividends thereof, shall be paid or transferred 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, or the Executors or Administrators of such Survivor, and it shall not be necessary for that Purpose to produce any Certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid.

Tolls.

30. The Company may lawfully demand any Tolls for the Use of their Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

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

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Ore Weed, Sand, Coals, Culm, Coke, Charcoal, and Cinders, 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 Stones for building, pitching, and paving, all Bricks, Tiles, Slates, China Clay and China Stone, Clay, Sand, Ironstone and Iron Ore, Copper Ore, Tin Ore, Manganese, and all other Ores and Minerals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *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 all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Copper, Tin, Lead, and other Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence Farthing; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And 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.

31. 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 Threepence; and for every Ox, Bull, or Neat Cattle, *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 Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage provided by the Company an additional Sum *per* Mile not exceeding Three Farthings.

Toll for propelling Power.

32. 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.

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

For Passengers, Articles, or Animals conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

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

For a Fraction of a Ton the Company may demand 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.

34. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Toll 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 Farthing *per* Mile.

For Cattle, Goods, &c.

35. With respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expense incidental to such Conveyance, (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company,) shall not exceed the following Sums:

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

For Cattle, the Sum of Threepence *per* Head *per* Mile:

For every Calf, Twopence *per* Mile:

For Sheep, Pigs, and small Animals, One Penny Halfpenny each *per* Mile:

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

For Manure and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per* Ton *per* Mile:

For Stone, Ores, Minerals, and other Articles herein-before classed therewith, the Sum of Twopence *per* Ton *per* Mile:

For Sugar and other Articles herein-before classed therewith, the Sum of Threepence *per* Ton *per* Mile:

For Cotton and other Goods and Articles herein-before classed therewith, the Sum of Fourpence *per* Ton *per* Mile.

Terminal Station.

36. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Restrictions as to Tolls not to apply to Special Trains.

37. 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 single Articles of great Weight.

38. 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 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, Fivepence;

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence;

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence;

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 Sixpence *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.

Company may take increased Charges by Agreement.

39. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before 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.

40. Every Passenger travelling on the Railway may carry 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 extra Charge being made by the Company in respect thereof.

Working Arrangements between Company and Cornwall Railway Company and Treffry's Trustees.

41. The Company, on the one hand, and the *Cornwall* Railway Company and *Treffry*'s Trustees, either jointly or separately, on the other hand, from Time to Time may make, and from Time to Time alter or vary all such Contracts and Arrangements as they may think fit with respect to the Maintenance, User, and Working of the Railway or any Part thereof by the *Cornwall* Railway Company and *Treffry*'s Trustees, or either of them, and the Supply and Maintenance of Engines, Carriages, and Rolling Stock, and other Stock and Plant for the same, and with respect to the Conduct and Regulation of the Traffic on the Railway or any Part thereof, and on the Railways of the *Cornwall* Railway Company, and the Tramroads of *Treffry*'s Trustees respectively, or any Parts thereof respectively, and with respect to the Use by the Company of the said Railways and Tramroads of the *Cornwall* Railway Company and *Treffry*'s Trustees respectively, or either of them, and of the Stations, Works, and Conveniences connected therewith respectively, and with respect to the fixing, Collection, Division, Apportionment, and Application of the Tolls, Rates, and Charges to be demanded and taken for such Traffic,

or any Part thereof respectively, or for such User as aforesaid, and with respect to the Compensation to be made by any or either of the said Parties to the other or others of them for such Purposes or any of them, and with respect to any other Matters in connexion therewith, as the said Companies and Trustees shall mutually agree on, and the Provisions of Part III. (relating to Working Agreements) of "The Railways Clauses Act, 1863," shall apply to all such Contracts and Arrangements.

Tolls during Contracts.

42. During the Continuance of any such Contract or Arrangement as aforesaid which may be entered into under the Authority of this Act, the Railways and Tramways respectively the Subject of any such Contract or Arrangement 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 Railway of the Company and partly on the Railways of the *Cornwall* Railway Company and the Tramways of *Treffry*'s Trustees, or any or either of them respectively, for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and in respect of Passengers, for each Mile or Fraction of a Mile beyond Three Miles, Tolls and Charges as for One Mile only; and in respect of Animals, Minerals, and Goods, for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Three Miles, Tolls and Charges as for a Quarter of a Mile only; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, and Goods, or other Matters partly on the Railway of the Company and partly on the Railways of the *Cornwall* Railway Company and the Tramways of *Treffry*'s Trustees, or any of them respectively.

Agreements with Treffry's Trustees.

43. The Company and *Treffry*'s Trustees may from Time to Time enter into and carry into effect Arrangements and Agreements with reference to the Alteration of the Gauge of the Tramroads of *Treffry*'s Trustees, and the laying down of One or more additional Lines of Railway thereon, and the providing of additional Station Accommodation in connexion therewith, and with reference to the Cost of all or any such Alterations, Additions, and Accommodations respectively; and the Company and *Treffry*'s Trustees respectively may from Time to Time pay such proportionate Parts of such Costs as may be or may have been agreed upon between them.

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

44. This Act or anything therein shall not exempt the Railway and Works by this Act authorized to be made, or 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,

Companies, now in force or which may hereafter pass during the present 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.

45. All the Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company.

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