ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. vi.

An Act to enable the *Redruth and Chasewater* Railway Company to construct new Works; and for other Purposes. [9th *May* 1853.]

WHEREAS by a Local and Personal Act of the Fifth Year of the Reign of King *George* the Fourth, Chapter 121, certain Persons were incorporated by the Name and Style of "The *Redruth and Chasewater* Railway Company," and were empowered to make, complete, and maintain a Railway or Tramroad to be called "The *Redruth* Railway," passable for Waggons and other Carriages, from or near the Eastern End of the Town of *Redruth* to *Point Quay* in the Parish of *Feock* in the County of *Cornwall*, with Four Branch Railways or Tramroads therefrom, and to restore, improve, make, and maintain the Navigation of the *Restrongett Creek* from *Restrongett Passage* unto or near to *Carnon Bridge*, and to deepen, widen, enlarge, cleanse, and alter the Channels, in order to procure and maintain a sufficient Depth of Water in the said Creek for the Navigation of Ships and Vessels, and to make Embankments and other Works for the Convenience or Security of Shipping, and for restoring, improving, making, and maintaining the Navigation of the said Creek, and to prevent Matters

5 G.4.c.cxxi.

brought down by the Waters flowing into the said Creek from being carried into the said Creek and injuring the Navigation thereof, and also to erect Two public Wharfs for the shipping and landing of Goods, Wares, and Merchandise contiguous to the said Creek: And whereas by the said Act the said Company were empowered to raise and contribute among themselves a competent Sum of Money, not exceeding in the whole the Sum of Twenty-two thousand five hundred Pounds, in Shares of One hundred Pounds each, and also (in case the Money so authorized to be raised should be found insufficient for the Purposes of that Act) to raise among themselves, or by the Admission of new Subscribers, any further Sum of Money for completing the said Undertaking, not exceeding the Sum of Ten thousand Pounds; but no Powers of borrowing Money were given to the said Company by the said Act: And whereas by the said Act the said Company were empowered to take certain Rates, Tolls, and Duties for the Tonnage of all Goods, Commodities, Wares, Merchandise, Articles, Matters, and Things conveyed along their Railways or Tramroads, and also to take certain Rates for Wharfage: And whereas the said Company raised among themselves the said Sum of Twenty-two thousand five hundred Pounds in Shares of One hundred Pounds each, which was fully paid up, and the Holders of those Shares subsequently paid and advanced a further Sum of Forty Pounds upon each Share to complete the said Undertaking, making in the whole Thirty-one thousand five hundred Pounds: And whereas the said Company have made the *Redruth* Railway and several of the Branch Railways by the said Act authorized to be made, and have from Time to Time restored and maintained the Navigation, and deepened, widened, enlarged, and cleansed the Channels of the said Creek, and have adopted Measures to prevent Matters brought down by the Waters flowing into the said Creek from being carried into the said Creek and injuring the Navigation thereof, and have also made the public Wharf at *Narabo*, by the said Act authorized: And whereas the said Company have also constructed upon Lands held on Lease from *James Wentworth Buller* Esquire a Railway or Tramroad (herein-after referred to as and directed to be called "The *Wheal Buller* Branch Extension"), commencing from the Terminus of the *Wheal Buller* Branch made under the Authority of the said Act, and terminating at the Western Boundary of the *Wheal Buller* Mine: And whereas it is expedient that the said Company should be empowered to construct the new Railways or Tramroads herein-after described, and to maintain, acquire, and improve the *Wheal Buller* Branch Extension so constructed as aforesaid, and to provide and use Steam Tugs in connexion with their Works: And whereas it is also expedient that the said Company should be empowered to become Carriers upon their existing and intended Railways or Tramroads, and to provide locomotive and other Engines and Carriages for that Purpose,

Purpose, and to take Tolls in respect thereof, and also to take Tonnage Rates or Dues from Vessels frequenting the said Creek, and that other Provisions should be made with regard to the Tolls, Rates, and Dues to be taken by the said Company: And whereas it is also expedient that the said Company should be empowered to raise further Sums of Money for effecting the Objects herein-before mentioned; but 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; (that is to say,)

Short Title.

I. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Redruth* Railway Act, 1853."

Commencement of Act.

II. That this Act shall commence and take effect on and from the Fourth *Wednesday* next after the passing thereof.

Interpretation of Terms.

III. That in construing this Act (except the Sections and Provisions of the repealed Act herein-after cited and continued in force), and also in construing the Acts and Parts of Acts incorporated herewith in connexion with this Act, the following Words and Expressions shall have the respective Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Company" shall mean the *Redruth and Chasewater* Railway Company:

The Expression "the Railway" shall include as well the Railways or Tramroads by this Act authorized to be made as the Railways or Tramroads now made and by this Act authorized to be maintained:

The Expression "the existing Works" shall mean the Railways or Tramroads, Wharf, and other Works now made and by this Act authorized to be maintained, and the Maintenance of the Navigation of the *Restrongett Creek* by this Act authorized:

The Expression "the new Works" shall mean the Railways or Tramroads and other Works by this Act authorized to be made:

The Expression "the Undertaking" shall include both the existing Works and the new Works:

The Word "Engine" and the Expression "moving Power" respectively shall (except in those Provisions which relate to the Approval thereof by the Company) include Horses and other Cattle drawing any Carriage:

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

The

The Expression "the Harbour, Dock, or Pier," and the Expression "the Navigation," shall respectively mean that Part of *Restrongett Creek* the Navigation whereof the Company are by this Act authorized to restore, preserve, and maintain:

The Expression "the Undertakers" shall mean the Company.

Same Meaning to Words in this Act as in Acts incorporated herewith.

IV. That the several Words and Expressions to which in the Acts wholly or partially incorporated with this Act Meanings are respectively assigned, and to which no other Meanings are assigned by this Act, shall in this Act (except in the Sections and Provisions of the repealed Act herein-after cited and continued in force) have the respective Meanings assigned to them by the Acts wholly or partially incorporated with this Act.

Provisions of 8 & 9 Vict. cc. 16. and 18. incorporated with this Act.

Company not to take certain Lands without Consent.

V. That "The Companies Clauses Consolidation Act, 1845," and also "The Lands Clauses Consolidation Act, 1845," (except as herein-after provided,) shall be incorporated with and form Part of this Act, and the Provisions of those Acts (except as in this Act otherwise provided) shall extend both to the new Works and the existing Works; but nothing in this Act contained shall authorize the Company to purchase, take, or use any Lands (except the Lands shown on the Plans of the new Works, and described in the Books of Reference thereto herein-after mentioned, and the Lands specified in the Schedule to this Act annexed), otherwise than with the Consent of and by Agreement with the Owners, Lessees, and Occupiers of the same respectively.

Clause in 8 & 9 Vict. c. 18. limiting Sale of superfluous Lands not to apply to this Act.

VI. Provided always, That the Clause in the said Lands Clauses Consolidation Act, 1845, contained, limiting the Period for the Sale of superfluous Lands, shall not be incorporated with or form Part of this Act: Provided also, that any such Lands which may be held by the Company shall not be used by the Company for any Purposes other than for Sidings, Stations, Wharfs, Works, and Buildings, and for the Deposit of Minerals, Goods, Wares, and Merchandise, and other Purposes necessary for the convenient Use of the Railways and the Conduct of the Traffic thereon.

Certain Provisions of 8 & 9 Vict. c. 20. incorporated with this Act.

VII. That "The Railways Clauses Consolidation Act, 1845," (except so much and such Parts of the Clauses of that Act with respect to the carrying of Passengers and Goods upon the Railway, and the Tolls to be taken thereon, as relate to the carrying and Conveyance of Passengers upon the Railway, and to Tolls in respect of Passengers, and except that the Clause of that Act numbered XCV. in the Copies thereof printed by the Printers to the Queen's most Excellent Majesty, prohibiting the taking of Tolls during any Time at which Boards containing List of Tolls shall not be exhibited, or Milestones shall not be set up and maintained, shall not apply to

any

any Part of the existing Works until the Expiration of Three Calendar Months from the Commencement of this Act,) shall be incorporated with and form Part of this Act: Provided always, that the Clauses of that Act with respect to the Construction of the Railway and the Works connected therewith, with respect to the temporary Occupation of Lands near the Railway during the Construction thereof, with respect to the crossing of Roads or other Interference therewith, and with respect to Works for the Accommodation of Lands adjoining the Railway, shall not extend or apply to the existing Works.

Recited Act repealed.

VIII. That from and after the Commencement of this Act, but subject to the Powers and Provisions of this Act, the recited Act shall be and is hereby repealed.

Company to continue incorporated, though recited Act repealed.

IX. That, notwithstanding the Repeal of the recited Act, the Company shall, for the Purposes of this Act, remain as from the passing of the recited Act, and continue, incorporated by the Name of "The *Redruth and Chasewater* Railway Company," and by that Name shall be and continue One Body Corporate, with perpetual Succession and a Common Seal, and with Power to maintain the existing Works, and to construct and maintain the new Works, and to purchase and hold Lands and other Property for the Purposes and within the Restrictions of this Act.

Company to remain entitled to their Property.

X. That, notwithstanding the Repeal of the recited Act, the Company shall remain and be seised and possessed of and entitled to all the existing Works, and all other Works and Conveniences, Lands, Buildings, Estates, Wayleaves, Easements, Monies, Property, Effects, Claims, and Demands whatsoever, of or to which the Company shall by virtue of the recited Act or otherwise howsoever be immediately before the Commencement of this Act seised, possessed, or in any way entitled, at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act had not passed, and may according to the Provisions of this Act maintain such existing Works and other Works and Conveniences.

Company to continue entitled to Powers, &c. under certain other Acts in force at Commencement of this Act.

XI. That, notwithstanding the Repeal of the recited Act, the several Clauses and Provisions whatsoever in favour of, relating to, or affecting the Company, or the Officers or Servants of the Company, contained in any other Act or Acts besides the repealed Act, and which shall immediately before the Commencement of this Act be in force, shall on and from the Commencement of this Act apply to the Company and the Officers and Servants of the Company, and shall continue and be in full Force accordingly; and the Company and their Officers and Servants may and shall accordingly, and for

the Purposes of this Act, be entitled to, and have, exercise, and enjoy, under and by virtue of those Clauses and Provisions respectively, all such Rights, Interests, Powers, Authorities, and Privileges whatsoever as, if this Act had not passed, the Company and their Officers and Servants, under or by virtue of the same, might be entitled to, or might have, exercise, or enjoy.

Conveyances, &c. to remain in force.

XII. That, notwithstanding the Repeal of the recited Act, all Purchases, Sales, Conveyances, Leases, Mortgages, Bonds, Contracts, Agreements, Securities, and other Acts and Things before the Commencement of this Act done, entered into, executed, or instituted under or by virtue thereof, or with reference to the Purposes of the same respectively, shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, against and with reference to the Company, as if this Act had not passed, and may be proceeded on and enforced accordingly.

Actions, &c. not to abate.

XIII. That, notwithstanding the Repeal of the recited Act, any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Company before the Commencement of this Act shall not abate or be discontinued or be prejudicially affected by this Act, but, on the contrary, the same shall continue and take effect, both in favour of and against the Company, in like Manner in all respects as the same would have continued and taken effect if this Act had not passed; and all Offences against the Provisions of the recited Act committed before the Commencement 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 passed.

Tolls and Rates due at Commencement of Act to be recovered by Company.

XIV. That, notwithstanding the Repeal of the recited Act, all Rates, Tolls, Dues, and Duties which immediately before the Commencement of this Act were due or payable or accruing or becoming due and payable to the Company shall be payable to and may be collected and recovered by the Company, in like Manner as the Rates of the same or the like Nature by this Act granted.

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

XV. That, notwithstanding the Repeal of the recited Act, all Persons who immediately before the Commencement 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 or to accrue due for the same, to that Company; and all Debts, Dividends, and Money which immediately before the Commencement of this Act were due or owing by or recoverable from the Company, or payable out of the Funds of the Company, or for the Payment of which the Company shall, or, but for this Act, would be liable, shall be paid, with all Interest

Interest (if any) due or to accrue due thereon, by or be recoverable from the Company.

Books, &c. to remain Evidence.

XVI. That, notwithstanding the Repeal of the recited Act, all Books and other Documents by that Act directed or authorized to be kept, and which if that Act had not been repealed would have been receivable in Evidence, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere accordingly.

Officers to continue.

XVII. That, notwithstanding the Repeal of the recited Act, every Officer and Servant appointed by virtue of or acting under the Authority of that Act shall hold and enjoy his Office and Employment, with the Salary thereunto annexed, and be deemed an Officer and Servant of the Company, until he be removed from such Office and Employment; and he shall have the like Power and Authority for the Purposes of this Act, and shall account for and deliver up all Monies, Books, Papers, Writings, or Effects of the Company to any Person appointed by them to receive the same, and shall be subject to the like Power of Removal, Rules, Regulations, Pains and Penalties, in all respects whatsoever as if he had been appointed under this Act.

Byelaws continued in force.

XVIII. That, notwithstanding the Repeal of the recited Act, all Byelaws, Rules, and Regulations which immediately before the passing of this Act were in force with regard to the existing Works shall continue in full Force and Effect for Six Months after the passing of this Act, or until repealed or altered under the Powers of of this Act.

Capital.

XIX. That inasmuch as the present Market Value of the Shares representing the paid-up Capital of the Company is Eighteen thousand Pounds, and inasmuch as the Expense of the new Works, defined on the Plans herein-after referred to, is estimated at the Sum of Thirteen thousand Pounds, and the Company will also require further Monies for the other general Purposes of their Undertaking: Therefore, on and after the Commencement of this Act, the Capital of the Company shall be the Sum of Thirty-six thousand Pounds, and shall be applied only to the Purposes of this Act.

Shares in Capital.

XX. That the Two hundred and twenty-five Shares into which the existing Capital of the Company is divided shall be called "Original Shares," and shall be deemed to be of the Amount of Eighty Pounds each, and to be fully paid up, and no further Call shall be made thereon.

XXI. That

Old Certificates to be cancelled, and Shareholders to have new Shares in lieu of existing Shares.

XXI. That all Holders of the Original Shares in the Capital of the Company shall, on being required so to do by Writing under the Hand of the Secretary, deliver up the Certificates or other Vouchers for such Shares to be cancelled, and the same shall be cancelled accordingly, and thereupon the Shares to which such Certificates or Vouchers relate shall be extinguished and cease to exist, and every such Holder shall, in lieu thereof, be entitled to One Share of the nominal Value of Eighty Pounds for every such Original Share so held by him and directed to be cancelled as aforesaid, and such Share of Eighty Pounds shall vest in him accordingly, and be substituted for such Original Share, and all the Shares substituted for Original Shares shall be called "the Substituted Shares," and shall be deemed to be fully paid up, and no further Call shall be made thereon.

Such Shares to be subject to same Trusts as existing Shares.

XXII. That every such Substituted Share shall vest in the Shareholder entitled thereto, subject to the same Trusts, Provisions, and Liabilities as immediately before the Commencement of this Act affected such Original Share for which the same is substituted, and so as to give effect to and not revoke any Will or Testamentary Disposition of or affecting the same.

Power to raise Capital by Creation of new Shares.

XXIII. That Eighteen thousand Pounds, the Remainder of the Capital of the Company, shall be also divided into Two hundred and twenty-five Shares of the Amount of Eighty Pounds each (which Shares shall be called "the New Shares"), and all Money to be raised by means of the New Shares shall be applied to the Purposes of this Act, and to no other Purpose.

New Shares to be offered to existing Shareholders;

XXIV. That all such New Shares shall be offered to the Holders of Original Shares or Substituted Shares in proportion to the Number of the Original Shares or Substituted Shares held by them respectively, and such New Shares shall be offered to them at Par, and such Offer shall be made by Letter under the Hand of the Secretary of the Company, given to every Shareholder, or sent by Post addressed to him according to his Address in the Share Register Book, or left for him at his usual or last known Place of Abode in *England*; and every such Offer made by Letter sent by Post shall be considered as made on the Day on which such Letter in the Course of Delivery ought to reach the Place to which it is addressed.

and to vest in Shareholders accepting.

XXV. That the New Shares so offered shall vest in and belong to the Shareholders who accept the same.

If existing Shareholders fail

XXVI. Provided always, That if any Shareholder fail, for One Month after such Offer of New Shares, to accept the same, the Committee

mittee or Directors of the Company may dispose of such Shares to any other Person, in such Manner and in such Form and on such Terms as they may think fit. to accept, Shares may be disposed of to others.

XXVII. Provided always, That the Directors, if they think proper, but not otherwise, may permit any Shareholder who, from Absence abroad or other Cause satisfactory to the Directors, omits to signify within the Time limited by this Act his Acceptance of the New Shares offered to him, to accept such Shares notwithstanding such Time has elapsed. Directors may enlarge Time for existing Shareholders to accept New Shares.

XXVIII. That every Person who becomes entitled to any New Share shall in respect of the same be a Shareholder in the Undertaking, and when the Sum of Eighty Pounds *per* Share shall have been fully paid thereon it shall be deemed and become in all respects equal to a Substituted Share, and thereupon all Proceeds and Profits of the said Company shall be divided amongst the Holders of the Substituted Shares and New Shares in equal Proportions, without Preference or Distinction. Dividend on New Shares.

XXIX. That any Call made by the Company shall not exceed the Rate of Fifteen Pounds in the Hundred on the Amount of a Share, and the Interval between successive Calls shall be not less than Two Months, but the whole of the Capital authorized to be raised by this Act shall be called up within the Space of Two Years from the passing thereof. Calls.

XXX. That the Company may borrow on Mortgage or Bond any Sums not exceeding in the whole Nine thousand Pounds; but no Part of that Sum shall be borrowed until the whole of the Capital of the Company shall have been subscribed for, and One Half thereof shall have been actually paid up; and all Money so borrowed shall be applied to the Purposes by this Act authorized, and to no other Purpose. Power to borrow Money on Mortgage.

XXXI. That at all General Meetings of the Company every Shareholder shall be entitled to One Vote for every Share held by him: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid all the Calls then due upon all Shares held by him. Votes.

XXXII. That the Ordinary Meetings of the Shareholders of the Company shall be held in each of the Months of *February* and *August* in every Year, at the Hour of Eleven in the Forenoon; and the First Ordinary Meeting next after the Commencement of this Act shall be held in such of those Months as happens next after the Commence- Ordinary Meetings.

ment of this Act: Provided always, that the Company may from Time to Time, by not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at an Extraordinary General Meeting of the Company specially convened for the Purpose, alter the Days and Months for the Ordinary Meetings; provided also, that any such Alteration shall not take effect within Three Months of the passing of the Resolution for altering the same.

Quorum for General Meetings.

XXXIII. That the Quorum for a General Meeting of the Company shall be Ten Shareholders present, personally or by Proxy, holding or representing Fifty Shares to the aggregate nominal Amount of Four thousand Pounds.

Number and Qualification of Directors.

XXXIV. That (subject to the Provisions hereafter contained for reducing the Number of Directors) the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of One Share in the Company of the nominal Amount of Eighty Pounds.

First Directors.

XXXV. That the Persons who immediately before the Commencement of this Act shall be the Committee of Management of the Company shall on the Commencement of this Act be the First Directors of the Company.

Power to reduce Number of Directors.

XXXVI. That the Company may from Time to Time reduce the Number of the Directors, but so that the Number shall never be less than Six.

Quorum.

XXXVII. That the Quorum for Meetings of Directors shall be Three Directors.

Committees of Directors.

XXXVIII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of any such Committee shall be Two Directors.

Remuneration of Auditor.

XXXIX. That the Company may from Time to Time allow and pay to any Auditor such Remuneration as any Meeting of the Company shall think fit.

Power to Company to maintain, &c. Works herein specified.

XL. That the Company may maintain, continue, and from Time to Time replace and renew the existing Works; (that is to say,)

A Railway or Tramroad (called the *Redruth* Railway) commencing from or near the Eastern End of the Town of *Redruth* in the County of *Cornwall*, and terminating at *Point Quay* in the Parish of *Feock* in the same County:

A Railway

A Railway or Tramroad (called the *Wheal Buller* Branch) from the said *Redruth* Railway at or near *Wheal Beauchamp* Westward to or near a Mine called *Wheal Buller* in the same County:

A Railway or Tramroad (called the *Narabo* Branch) commencing from the *Redruth* Railway at or near *Carnon* Turnpike Gate, and terminating at the *Narabo Wharf* in the Parish of *Feock* in the same County:

A Wharf (called and to be called the *Narabo Wharf*) below *Deveron Quay* in the Parish of *Feock* in the same County:

The Restoration, Improvement, and Maintenance of the Navigation of *Restrongett Creek*, from *Restrongett Passage* to the Point where the new Turnpike Road from *Falmouth* to *Truro* crosses the same, and the deepening, widening, cleansing, and altering the Channels thereof; the fixing and Maintenance of Beacons, Buoys, and Moorings; the Execution of any other Works necessary for the Security of Shipping therein; and the making and Maintenance of Banks, Weirs, Sluices, Cuts, and Channels, and also Dams and Check Walls, across any Rivulets, Brooks, or Streams running into the Navigation, for draining off Mud, Gravel, Soil, Filth, and other Matters brought down by the Waters flowing into the said Creek, and for preventing the same from being carried into the said Creek, and injuring the Navigation thereof:

All Quays, Jetties, and Landing Places, retaining and other Walls, Embankments, Cuttings, Channels, Sluices, Culverts, Drains, Bridges, Gates, Piles, Warehouses, Offices, Buildings, Cranes, Machinery, and other Conveniences constructed or provided by the Company, or which were vested in them, at Law or in Equity, or otherwise howsoever, immediately before the Commencement of this Act.

Works below High-water Mark not to be executed without Consent of the Admiralty.

XLI. That it shall not be lawful for the Company, for carrying into execution the Provisions of this Act, or for any Person whomsoever acting on their Behalf, to construct, or to commence to construct, below High-water Mark at ordinary Spring Tides, any Work in the *Restrongett Creek*, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid.

XLII. That

Works to be made according to deposited Plans.

XLII. That the Company may (subject to the Provisions and Restrictions in this Act and the said incorporated Acts contained) make and maintain the intended Railways or Tramroads in the Lines and upon the Lands delineated on the Plans and described in the Books of Reference deposited in relation thereto with the Clerk of the Peace of the County of *Cornwall*, and according to the Levels shown on the said Sections, and may enter upon, take, and use such of those Lands as they may require for the Purposes aforesaid.

Description of new Works.

XLIII. That the new Railways or Tramroads and Improvement by this Act authorized to be made are as follows; (that is to say,)

Firstly, a Railway or Tramroad commencing by a Junction with the *Redruth* Railway at or near a Place called *Cusvey* otherwise *Coosvea*, and rejoining the *Redruth* Railway at or near *Woolfe's Engine* at a Mine called *Wheal Fortune*, the whole of which said intended Railway or Tramroad will be in the Parish of *Gwennap* in the County of *Cornwall*:

Secondly, a Railway or Tramroad commencing in the said Parish of *Gwennap* by a Junction with the *Redruth* Railway at or near a certain Road leading from *Hayle* Mills into the Consolidated Mines, and rejoining the said *Redruth* Railway in the same Parish at the Distance (measured along the *Redruth* Railway) of Four Miles Seven Furlongs and Nine Chains or thereabouts from the Terminus of the *Redruth* Railway at *Point Quay*:

Thirdly, a Railway or Tramroad commencing by a Junction with the *Redruth* Railway at or near a Place called *Wheal Maid* Turnout or Siding in the said Parish of *Gwennap*, and rejoining the *Redruth* Railway in the same Parish at the Distance (measured as aforesaid) of Five Miles and Four Furlongs or thereabouts, from the said Terminus thereof at *Point Quay*:

Fourthly, a Railway or Tramroad commencing in the said Parish of *Gwennap* by a Junction with the *Redruth* Railway near a House now or late in the Occupation of *William Tregoning*, and rejoining the *Redruth* Railway in the same Parish at a Distance (measured as aforesaid) of Seven Miles One Furlong and One Chain or thereabouts from the said Terminus thereof at *Point Quay*:

Fifthly, a Railway or Tramroad commencing in the said Parish of *Gwennap* by a Junction with the *Redruth* Railway at or near the Point where the *Wheal Buller* Branch diverges from the *Redruth* Railway, and terminating in the same Parish by a Junction with the *Wheal Buller* Branch at or near a Coal-yard now or late in the Occupation of *William Bray*, on the West Side of the Road leading from *Redruth* to *Falmouth*:

Sixthly, a Branch Railway or Tramroad commencing in the Parish of *Gwennap* by a Junction with the *Redruth* Railway at or

or near the Road leading from *Hayle* Mills into the Consolidated Mines, and terminating in the Parish of *Kenwyn* in the said County of *Cornwall* upon a Piece of Waste Ground at *Wheal Bissy* Mine near the Road leading from *Wheal Bissy* Mine towards *Whitehall*:

Seventhly, the Acquisition, Maintenance, and Improvement of an existing Railway or Tramroad (called the "*Wheal Buller* Branch Extension") commencing from the said *Wheal Buller* Branch herein-before described, and terminating at the Western Boundary of the *Wheal Buller* Mine.

Power to Company to take Lands specified in Schedule;

but not certain Lands without Consent.

XLIV. That, in addition to the Lands delineated upon the said Plans of the new Works herein-before described and in the said Book of Reference, in respect of such Works, the Company may, except as herein-after provided, purchase and take compulsorily any of the Lands specified in the Schedule to this Act: Provided always, that nothing herein contained shall authorize the Company to purchase or take any Lands numbered 2, 3, 4, 5, 6, 7, and 8, in the Parish of *Feock* in the said Schedule and Plan, without the Consent in Writing of the Owners thereof and other Persons interested therein for that Purpose first had and obtained.

Land for extraordinary Purposes.

XLV. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Power to Persons to grant Leases.

XLVI. That all Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands, shall have full Power to grant Leases of any Lands for the Purposes of this Act, or any Easement in or over such Lands, for the Purposes of this Act; and the Company may accept such Leases, and may, subject to the Provisions of that Act, if they think fit, subsequently purchase the Reversion of such Lands, or the Discharge thereof from the Rents or Covenants reserved or contained in any such Lease.

As to Rents, &c. reserved on Leases taken from Persons incapacitated to sell.

XLVII. That in every Lease taken by the Company under the Powers of this Act of any Lands from any Person under any Disability or Incapacity to sell and convey Lands, as defined in the said "Lands Clauses Consolidation Act," there shall be reserved the best or most usual yearly Rent for or in respect of such Lands, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Lease.

Limiting Time for compulsory Purchase of Land.

XLVIII. That 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.

Limiting Time for Completion of Works.

XLIX. That upon the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the new Works herein-before described, or otherwise in relation thereto, shall cease to be exercised, except as to such Parts of the same as shall then be completed.

Certain Roads may be crossed on the Level.

L. That, subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," contained with reference to the crossing of Roads on the Level, the Company may, in the Construction of the new Works, carry the same on the Level across the several Roads numbered in the Plans and described in the Books of Reference deposited as aforesaid as follows; (that is to say,)

Wheal Buller Branch (Line Number 5),
Number 4 on Plan in the Parish of *Gwennap*:

Wheal Buller Branch Extension (Line Number 7),
Number 22 on Plan in the Parish of *Redruth*.

Company to erect a Station or Lodge at the Points of crossing, and abide by Regulations of the Board of Trade.

LI. That for the greater Convenience and Security of the Public the Company shall, before they shall use Locomotive Engines on the Railways crossing the before-mentioned Roads on the Level, erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the Company shall (if and when they shall use Locomotive Engines on those Railways) be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, and if the Company shall fail to erect or at all Times (when required under this Provision) to maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected in lieu of level Crossing.

LII. That it shall be lawful for the Lords of the said Committee, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Lords of the said Committee shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to

execute

execute such other Works as under the Circumstances of the Case shall appear to the Lords of the said Committee best adapted for removing or diminishing the Danger arising from any such level Crossing.

Company may stop up unnecessary Lines.

LIII. That the Company may, if they think fit, stop up and may cease to carry upon such Parts of their existing Railways or Tramroads as will be rendered unnecessary by reason of the Railways, Tramroads, and new Works by this Act authorized, and may, if they think fit, remove the Rails and Materials thereof, and dispose of the same as they shall think fit; but no Part of any such existing Railway or Tramroad shall be stopped until the new Railway or Tramroad intended to be substituted for the same shall be completed and opened for Traffic; and the Rights of all Persons to use each such Portion of Railway or Tramroad the Use whereof shall be so stopped shall thereupon cease, and in lieu thereof they shall have the same Right of using the new Railway or Tramroad substituted for the same, and the Company shall be bound to carry upon each substituted Railway or Tramroad in the like Manner as upon the Portion of Railway or Tramroad the Use whereof shall be so stopped.

Tolls.

LIV. That the Company may demand, in respect of any Articles conveyed upon any Railways or Tramroads of the Company, or conveyed by them upon any other Railways or Tramroads, any Tolls not exceeding the following; (that is to say,)

For all Sand, Lime, and Limestone to be used as Manure, and for all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of Highways, Twopence *per* Ton *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, Twopence *per* Ton *per* Mile in addition:

For all Iron and Iron Ore, Copper, Tin, Lead, and other Ores, Mundic, and all Matters containing Ore, Copper, Tin, Lead, Iron, and other Metals, Timber, Coals, Coke, Culm, Charcoal, and Cinders, Stones, Bricks, Earth, Tiles, Slates, Clay, Chalk, Marl, Lime, and Sand, not to be used as Manure, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, Twopence *per* Ton *per* Mile in addition; and for all Corn, Grain, Flour, and all other Goods, Commodities, Wares, Merchandise, Articles, Matters, and Things, Fourpence *per* Ton *per* Mile; and if conveyed in Carriages belonging to the Company, Threepence *per* Ton *per* Mile in addition.

Tolls for propelling Power.

LV. That in respect of Locomotive Engines and other moving Power supplied by the Company, whether on their own Railways or Tramroads or any other Railways or Tramroads, the Company may demand,

demand, in addition to the other Tolls by this Act authorized to be taken, any Tolls not exceeding the following; (that is to say,)

For all Articles, Goods, Matters, and Things whatsoever, Threepence *per* Ton *per* Mile.

Regulations as to Tolls.

LVI. That the following Provisions and Regulations shall be applicable to the fixing of the whole of the Tolls herein-before authorized to be taken; (that is to say,)

For all Articles, Goods, Matters, and Things conveyed on the Railways for a less Distance than Six Miles, the Company may demand, in addition to the other Tolls by this Act authorized to be taken, a reasonable Sum for the Expense of stopping, loading, and unloading:

For a Fraction of Mile beyond Six Miles or beyond any greater Number of Miles 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:

(Provided always, that where any Waggon shall enter upon any Railway or Tramroad of the Company at or within the Distance of One hundred and fifty Yards from any Mile Stone, Post, or other Object set up by the Company to denote Distances on such Railway or Tramroad, no Toll shall be payable in respect of such Waggon for the Distance between the Point where such Waggon shall have entered on such Railway or Tramroad and the Mile Stone, Post, or other such Object as aforesaid nearest to such Point of Entry:)

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 Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beach, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for every greater Quantity:

With respect to Copper, Lead, Iron, and Tin Ore, and Mundic, Twenty-one Hundredweight shall be deemed One Ton:

With respect to all other Articles, the Weight shall be determined according to the usual Avoirdupois Weight.

Tolls for small Parcels and Articles of great Weight.

LVII. That with respect to small Packages, and single Articles of great Weight, the Company may, notwithstanding the Scale of Tolls prescribed by this Act, lawfully demand the Tolls following:

For the Carriage on the Railways or Tramroads of the Company or any Part thereof, or by the Company over any other Railways or Tramroads, of small Parcels not exceeding Five hundred Pounds

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, 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 Three Tons but shall not exceed Four Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

Provided always, that no single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Four Tons, shall be carried or conveyed upon the Railway without the special Consent for that Purpose of the Company, who may demand for the same such Toll as they think fit.

Maximum Rates of Charge for Goods.

LVIII. That the maximum Rates of Charge to be made by the Company for the Conveyance of Goods, including the Tolls for the Use of the Railways, Carriages, and locomotive Power, and every Expense incidental to such Conveyance (except a reasonable Sum for loading and unloading where that Service is performed by the Company), shall not exceed the Sums following; (that is to say,)

For all Sand, Lime, and Limestone, to be used as Manure, and for all Dung, Compost, and all Sorts of Manure, and all Materials for the Repair of Highways, Sixpence *per* Ton *per* Mile:

For all Iron and Iron Ore, Copper, Tin, Lead, and other Ores, Mundic, and all Matters containing Ore, Copper, Tin, Lead, Iron, and other Metals, Timber, Coals, Coke, Culm, Charcoal, and Cinders, Stones, Bricks, Earth, Tiles, Slates, Clay, Chalk, Marl, Lime, and Sand not to be used as Manure, Sevenpence *per* Ton *per* Mile:

For all Corn, Grain, Flour, and all other Goods, Commodities, Wares, Merchandise, Articles, Matters, and Things, Eightpence *per* Ton *per* Mile.

Power to charge extra for Goods by Agreement with the Owners.

LIX. That the Company may, notwithstanding anything in this Act contained, take by Agreement with the Owner or Owners of or Person or Persons in charge of any Goods, Ores, or other Articles of any Description, and in such Case demand and recover, in respect of any special Service performed by the Company in relation thereto, any increased Charges over and above the Tolls and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods, Ores, or other Articles.

Power to charge extra for special Services.

LX. That the Company may, notwithstanding anything in this Act contained, and they are hereby authorized and empowered to demand and take any reasonable Sum for the Use of Engines and Carriages for special or extra Trains by or on the said Railways, or any Part or Parts thereof, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods.

Wharfage Rates.

LXI. That in respect of all Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Copper Ore, or any other Ores, Timber, Stone, Bricks, Slate, Gravel, Goods, Commodities, Wares, Merchandise, Articles, Matters, and Things loaded, landed, or placed in or upon any Wharf in the Possession or Occupation of the Company, the Company may demand for Wharfage Rates any Sum not exceeding Fourpence *per* Ton, and so in proportion for any less Quantity than a Ton.

Separate Accounts to be kept of Rates, &c. for Narabo Wharf.

LXII. That the Company shall provide and keep separate and distinct Books, wherein true, correct, and plain Entries shall be made of all Sums of Money which the Company shall take, collect, and receive, and be entitled to take, collect, and receive, for Wharfage Rates, in respect of all Articles which may be landed or placed upon the *Narabo* Wharf, and the Names of the Persons from whom, the Times at which, and the Goods, Articles, and Things in respect whereof, such Rates shall be taken or received, or become due or payable, and of the Payment and Application of all such Sums respectively, all which Books shall at all Times be open to the Inspection and Examination of the Owner or Proprietors for the Time being of the Lands whereon the *Narabo* Wharf is constructed.

Application of Rates taken on Narabo Wharf.

LXIII. That the net or clear Surplus of all Wharfage Rates taken or received by the Company in or upon the *Narabo* Wharf (after deducting the Expenses of maintaining the *Narabo* Wharf, and the Warehouses, Buildings, Erections, and Works in connexion therewith, now or hereafter to be erected and made upon or near the *Narabo* Wharf, for landing, loading, and warehousing all such Goods, Commodities, Wares, Merchandise, Articles, Matters, and Things as aforesaid,) shall be divided into equal Moieties, and One of such Moieties shall be retained by the Company for their own Use, and the other Moiety thereof shall be paid to the Owner or Proprietor for the Time being of the Lands whereon the *Narabo* Wharf is constructed, in full Compensation and Satisfaction for the Use and Occupation thereof.

Warehousing Rates.

LXIV. That the Company may demand, for the Use of any of their Warehouses, from the Owner or Person having the Charge of any Goods deposited therein, such Rates as the Company shall from Time

Time to Time appoint, not exceeding the Sums following; (that is to say,)

For every Package not exceeding Fifty-six Pounds in Weight, Twopence:

For every Package exceeding Fifty-six Pounds and not exceeding Three hundred Pounds in Weight, Threepence:

For every Package exceeding Three hundred Pounds and not exceeding Six hundred Pounds in Weight, Fourpence:

For every Package exceeding Six hundred Pounds and not exceeding One Ton in Weight, Sixpence:

For every Package exceeding One Ton in Weight, and for all coarse Goods, Articles, Matters, and Things not in Packages, Sixpence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

And for all Packages, and Goods, Articles, Matters, or Things not in Packages, which shall be or continue in any Warehouse of the Company for any continuous Period exceeding Fourteen Days, in addition to the Rates payable in respect thereof under this Clause, a further Sum not exceeding One Quarter of those Rates for every Week and Part of a Week beyond such Fourteen Days during which such Packages, Goods, Articles, Matters, or Things shall remain or continue in any Warehouse of the Company.

Navigation Dues.

LXV. That the Company may demand for every Vessel entering, using, or resorting to the Navigation (other than and except Steam Tugs or Steam Boats, used only for towing other Vessels,) Tonnage Rates or Dues not exceeding the Sum of One Penny *per* Ton Register Measure, to be paid by the Master thereof, on first entering, using, or resorting to the Navigation.

Further Tonnage Rates for extra Time.

LXVI. That if any Vessel shall remain in the Navigation for any longer Space of Time than Thirty Days, the Company may demand for every such Vessel a further Rate of One Halfpenny *per* Ton for every Week, and so in proportion for any Period less than a Week, during which any such Vessel shall remain therein beyond the said Period of Thirty Days, to be paid by the Master of such Vessel, in addition to the other Tonnage Rates payable by virtue of this Act: Provided always, that such additional Rates shall not be payable for any Vessel prevented from leaving the Navigation by an Embargo or Stress of Weather.

Account of Tonnage Dues to be kept, and Application of the same.

LXVII. That a distinct and separate Account of Tonnage Dues shall be kept by the Company, and after the Payment of the Expenses of collecting and managing the said Dues the Surplus shall be applied exclusively towards the Maintenance of the Navigation.

LXVIII. That

Certain Provisions of 10 & 11 Vict. c. 27. incorporated with this Act.

LXVIII. That "The Harbour, Docks, and Piers Clauses Act, 1847," shall (except the Clauses of that Act with respect to the Construction of the Harbour, Dock, or Pier, and with respect to the Construction of Works for the Accommodation of the Officers of Customs, with respect to Life Boats, with respect to keeping a Tide and Weather Gauge, and with respect to the Quays, and except the Clauses of that Act prohibiting the taking of any Rate until the Harbour, Dock, or Pier is completed, and prescribing the Evidence of such Completion, and which last-mentioned Clauses in the Copies of that Act printed by the Printers to the Queen's most Excellent Majesty are numbered respectively XXV. and XXVI.) be incorporated with this Act.

Meters and Weighers.

LXIX. That the Company may appoint and license a sufficient Number of Persons to be Meters and Weighers within or on the Navigation and the Wharfs of the Company.

For providing Steam Tugs.

LXX. That the Company may, either alone or in conjunction with any other Company or Person, build, purchase, or hire and maintain any Steam Tugs, Flats, or Steam Boats for towing, and may work and use the same for the Purpose of towing and otherwise assisting any Vessels or Ships resorting to the Navigation or otherwise, and may demand and receive such Rates or Sums for the Use of such Steam Tugs, Flats, or Steam Boats as they think fit.

For securing Equality of Rates.

LXXI. That such last-mentioned Rates or Sums shall be at all Times charged to all Persons equally and after the same Rate in respect of all Vessels and Ships of like Burden, towed or assisted under like Circumstances, and no Reduction or Advance in such last-mentioned Rates or Sums shall be made, either directly or indirectly. in favour of or against any particular Company or Person, Vessel or Ship, employing the said Steam Tugs, Flats, or Boats.

Company may appropriate Wharfs, &c. to special Purposes.

LXXII. That the Company may, if they think fit, appropriate any of their Yards, Wharfs, Quays, Depôts, or Lands, or any Parts thereof, for the Use of particular Persons, for landing, shipping, depositing, manufacturing, exhibiting, and selling Goods, Merchandise, Matters, and Things, upon Payment of such periodical or gross Sums of Money, and upon such other Terms and Conditions as the Company shall think fit, and may enter into and carry into effect any Arrangements or Agreements for those Purposes.

Expenses of Act.

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

LXXIV. That

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

LXXIV. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being 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 Railway, or execute any other Work or Undertaking.

Interest or Dividend not to be paid on Calls paid up.

LXXV. That, notwithstanding any Provision to the contrary in "The Companies Clauses Consolidation Act," the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, or out of their Income or Revenue, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of any of the new Shares held by him in the Capital of the Company created under this Act, until he shall have paid up the whole Amount of such Shares, except in the Case of any Money paid in anticipation of Calls.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 7 & 8 Vict. c. 85., and 14 & 15 Vict. c. 64.

LXXVI. That inasmuch as 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 Eighth Year of the same Reign, 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 another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Therefore nothing in this Act contained shall be held to exempt any of the Railways by this or the recited Act authorized (being Railways adapted for the Passage thereon of Locomotive Engines and Carriages), or the Company, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect of such Railways or Company as far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

LXXVII. That nothing in this Act shall be deemed or construed to exempt the Railways by this or the said recited Act authorized (being Railways adapted for the Passage thereon of Locomotive Engines and Carriages) from the Provisions of any General Act relating to such Acts, or of any General Act relating to such Railways, or to the better or more impartial Audit of 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 maximum Rates of Fares and Charges authorized by this Act.

9 & 10 Vict. c. 57. not to apply to this Act.

LXXVIII. And whereas the said Railway is not intended for the Conveyance of Passengers: Therefore the Provisions of the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*, shall not be incorporated with or apply to this Act or the Railways hereby authorized.

Saving Rights of the Crown.

LXXIX. That nothing whatsoever contained in this Act, or in any of the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, having the Management and Direction of the same Premises, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be, or but for the Provisions of the same Act or Acts might have been, vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Certain Sections of recited Act (5 G. 4. c. cxxi.) to remain in force.

LXXX. That, notwithstanding the Repeal of the recited Act, the several Sections and Provisions of those Acts cited in this Section shall respectively, so far as the same shall be immediately before the Commencement of this Act in force, remain in force, and this Act, and the several Powers and Provisions thereof, shall accordingly be in all respects subject and without Prejudice to those cited Sections and Provisions respectively, and this Act, or anything therein contained, shall not (except only as regards the Interpretation provided for by this Section) alter, interpret the Meaning of, or otherwise affect those cited Sections and Provisions, or any of them: Provided always, that in those cited Sections and Provisions the Expression "the said Company" shall mean the *Redruth and Chasewater* Railway Company, the Expression "the said Railway or Tramroad" shall mean the *Redruth* Railway, and the Expression "the said Act" shall mean the said repealed Act, and those cited Sections and Provisions shall have effect and be performed and observed accordingly.

5 *George* IV. Cap. 121. Sec. 120.

Lords of Manors and Owners may erect Wharfs on their own Lands.

And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway or Tramroad or any collateral Branch thereof, or any Part thereof, shall be made, to erect and use any Wharfs, Depôts, Landing Places, Cranes, Weighbeams, or Warehouses in or upon his, her,

her, or their respective Wastes or Lands or Grounds adjoining or near to the said Railway or Tramroad or any collateral Branch thereof, or any of them, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway or Tramroad and collateral Branches, or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to remain and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway or Tramroad or any collateral Branch thereof; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weigh-beams, and Warehouses respectively shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives, so that the Rates and Powers herein granted to the said Company be not thereby reduced, altered, or infringed.

5 *George* IV. Cap. 121. Sec. 121.

Lords of Manors and Owners may dig Channels to connect Wharfs with the Line of Navigation.

And be it further enacted, That it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the Soil of any Waste Lands, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway or Tramroad or any collateral Branch thereof, or any Part thereof, shall be made, at their own Costs and Charges, to dig, construct, and make any Channels or Branches that may be necessary to connect such Wharfs, Quays, or Landing Places with the Main Line of Navigation aforesaid, so as to enable Ships and Vessels to come up and discharge and take in Cargoes at such Wharfs, Quays, or Landing Places.

5 *George* IV. Cap. 121. Sec. 122.

Wharfs not to be within Fifty Yards of the Channel.

And be it further enacted, That no Part of the said Wharfs, Quays, or Landing Places shall be within Fifty Yards of the Channel, Cut, or Main Line of Navigation hereby authorized to be restored, made, constructed, and improved.

5 *George* IV. Cap. 121. Sec. 123.

Navigation not to be impeded by any such Channel or Works.

And be it further enacted, That if the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of such Lands or Grounds, in the prosecuting, repairing, keeping up, and maintaining any Part of such Works, or in doing any other Matter or Thing, or in neglecting to do any Repairs, Matter, or Thing necessary for such Purposes aforesaid, shall in any way hurt, damage, or impede, or cause to be hurt, damaged, or impeded, the Main Channel or Line of Navigation, such Lord or Lords, Lady or Ladies, and Owner or Owners as aforesaid shall be liable to such Penalties not exceeding Five Pounds as any Two or more Justices of the Peace for the County

County shall think proper and determine upon, besides paying the Expenses of the Repair and Removal of such Damage, Impediment, or Obstruction, and besides also paying the Expenses of all Delays, Demurrages, and Damages that such Impediments or Obstruction to the Navigation may occasion to Ships or Vessels passing or waiting to pass that Part of the Channel or Navigation which may be injured by such Operations.

5 *George* IV. Cap. 121. Sec. 124.

If Obstruction not removed on Notice, the Company may do it.

And be it further enacted, That if such Lord or Lords, Lady or Ladies of any Manor or Manors, or the Owner or Owners of such Lands or Grounds, after due Notice of any such Damage, Injury, Impediment, or Obstruction as aforesaid thereof given to him, her, them, or either of them so offending, by the Officers, Agents, or Servants of the said Company, shall not, within the Space of Twenty-four Hours next after the Delivery of such Notice, repair or remove, or cause to be repaired or removed, any such Damage, Injury, Impediment, or Obstruction, then and in every such Case, and as often as it shall so happen, it shall and may be lawful to and for the said Company, and their Officers, Agents, or Servants, to repair or remove any such Damage, Injury, Impediment, or Obstruction, and to charge the Lord or Lords, Lady or Ladies of any such Manor or Manors, or the Owner or Owners of such Lands or Grounds, with the Expenses which the said Company, their Officers, Agents, or Servants, shall or may incur in the doing thereof, all which Expenses shall and may be recovered in the Manner as in this Act is herein-before provided, in addition to such Penalty or Penalties.

5 *George* IV. Cap. 121. Sec. 125.

Regulations respecting private Wharfs.

And be it further enacted, That nothing herein contained shall authorize or empower the said Company or any Person or Persons to make use of any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses which shall be set up, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tramroad or any collateral Branch thereof, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

5 *George* IV. Cap. 121. Sec. 126.

Wharfingers not to give Preference.

And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company shall give any undue Preference or Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company, any Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings to the Informer.

The Redruth Railway Act, 1853.

5 *George* IV. Cap. 121. Sec. 127.

Limiting the Wharfage to be taken by Individuals who may erect Wharfs.

And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any Wharfs or Depôts for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Copper Ore or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things, nor more than Twopence for the warehousing of any Package not exceeding Fifty-six Pounds, nor more than Threepence for the warehousing of every Package above Fifty-six Pounds Weight and not exceeding Three hundred Pounds Weight, nor more than Fourpence for the warehousing of every Package above Three hundred Pounds Weight and not exceeding Six hundred Pounds Weight, and not more than Sixpence for the warehousing any Package exceeding Six hundred Pounds Weight and not exceeding One Ton, and not more than after the Rate of Sixpence *per* Ton for all Packages exceeding One Ton which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Depôts, or Warehouses, and shall not continue thereupon for a longer Space of Time than for Eight Hours.

5 *George* IV. Cap. 121. Sec. 128.

Payment for Articles remaining upon Wharfs, &c. after Expiration of the Time prescribed.

Provided always, and be it further enacted, That in case any of the said Articles shall be left and remain in and upon any of such Wharfs, Depôts, or Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Depôts, or Warehouses the further Sum of One Penny *per* Ton for Wharfage and Twopence *per* Ton for warehousing for the next Seven Days, and the like Sum of One Penny or Twopence respectively *per* Ton for every further Seven Days which such Articles shall remain upon such Wharfs, Depôts, or Warehouses after the Expiration of the said first-mentioned Seven Days; provided also, that it shall be lawful for the said Company to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Depôts last mentioned for the more convenient loading and unloading and weighing of any such Materials or other Goods, Wares, Merchandise, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company, or when so erected neglect or refuse to keep the same in repair, anything in this Act contained to the contrary thereof notwithstanding.

The SCHEDULE referred to in this Act.

County.	Parish.	Number on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Devoran and Limekiln Wharfs.		
Cornwall -	Feock -	2	Honourable Anna Maria Agar.	William Baynard, James Baynard, and Redruth and Chasewater Railway Company.	William Baynard, and Redruth and Chasewater Railway Company.
„	„	3	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	Redruth and Chasewater Railway Company, Messrs. Pascoe Grenfell and Sons, and Messrs. Mason and Elkington.
„	„	4	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	Redruth and Chasewater Railway Company, Edward Henry Hawke, Richard Tyacke, and William Tremayne.
„	„	5	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	Redruth and Chasewater Railway Company.
„	„	6	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	William Stevens.
„	„	7	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	Thomas Tregaskis, Henry Conn, and Robert Treneer Michell.
„	„	8	Honourable Anna Maria Agar.	Redruth and Chasewater Railway Company.	Robert Treneer Michell.
			Lands for Station at Nangiles.		
Cornwall -	Kea -	2	Lord Falmouth, John Vivian Vivian and Harriet Maria his Wife, Graham and Jane his Wife.		
„	„	3	Lord Falmouth, John Vivian Vivian and Harriet Maria his Wife, Graham and Jane his Wife.		
„	„	4	John Vivian Vivian and Harriet Maria his Wife, Graham and Jane his Wife.		

The Redruth Railway Act, 1853.

County.	Parish.	Number on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
			Lands for Station at Carharrack.		
Cornwall -	Gwennap	2	Francis Rodd, John Tremayne, and John Augustus Stephens.	Susan Michell -	Redruth and Chasewater Railway Company.
"	"	3	Francis Rodd, John Tremayne, and John Augustus Stephens.	Susan Michell -	Unoccupied.
			Lands for Station at the Terminus at Redruth.		
Cornwall -	Redruth	2	Edward William Wynn Pendarves.	Joseph Michell -	Joseph Michell.
"	"	3	George W—— Johns, John Roskrow.	Christopher Whitford.	Joseph Michell.
"	"	4	George W—— Johns, John Roskrow.	Christopher Whitford.	Jane Eden.
"	"	5	George W—— Johns, John Roskrow.	Christopher Whitford.	John Rickard.
"	"	6	George W—— Johns, John Roskrow.	Christopher Whitford.	Jane Eden.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1853.