ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

## *Cap.* clv.

An Act for making a Railway from the Town of *Saint Ives* to the *West Cornwall* Railway at or near *Saint Erth*, with a Branch therefrom, and for making Arrangements with the *West Cornwall* Railway Company. [4th *August* 1853.]

WHEREAS the making of a Railway from the Town of *Saint Ives* in the County of *Cornwall*, to join the *West Cornwall* Railway in the Parish of *Saint Erth* in the said County, with a Branch therefrom, would be of great public and local Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution; but the same 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,)

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

solidation Act, 1845," shall be incorporated with and form Part of this Act, and with the same shall be construed as One Act.

**Short Title.**

II. That in citing this Act for any Purposes whatsoever it shall be sufficient to use the Expression, "The *Saint Ives and West Cornwall Junction* Railway Act, 1853."

**Subscribers incorporated.**

III. That *John Newman Tremearne*, *Samuel Hockin*, and *William Bazely*, 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 Railways herein-after mentioned, and for such Purpose shall be incorporated by the Name of "The *Saint Ives and West Cornwall Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

**Capital.**

IV. That the Share Capital of the Company shall be Thirty-two thousand Pounds, and the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

**Number and Amount of Shares.**

V. That the Number of Shares into which the said Capital shall be divided shall be Three thousand two hundred Shares, and the Amount of each Share shall be Ten Pounds.

**Calls.**

VI. That One Pound *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and One Half the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

**Power to borrow Money on Mortgage.**

VII. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Ten thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Thirty-two thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; and the Monies so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act.

**Number and Qualification of Directors.**

VIII. That the Number of Directors shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Undertaking.

IX. That

IX. That *John Newman Tremearne*, *Samuel Hockin*, *William Bazely*, *Nathaniel Pyne*, and *Edwin Ley*, shall be the First Directors of the Company. First Directors.

X. That the Quorum of a Meeting of Directors shall be Three. Quorum.

XI. That the Remuneration of the Directors, and also of the Auditors to be appointed under the Provisions of "The Companies Clauses Consolidation Act, 1845," shall from Time to Time be fixed by a General Meeting of the Company and be paid out of the Funds of such Company. Remuneration of Directors and Auditors.

XII. That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the County of *Cornwall*. Newspapers for Advertisements.

XIII. That it shall be lawful for the Company to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith; (that is to say,) a Railway commencing near *Penalver* otherwise *Pendenolver Point* in the Borough and Parish of *Saint Ives* in the County of *Cornwall*, and terminating by a Junction with the existing Line of the *West Cornwall* Railway Company in the Parish of *Saint Erth* in the said County of *Cornwall*; also a short Branch or Junction Railway, commencing at or near the *Clay Quay* in the Parish of *Uny Lelant* in the same County, and terminating by a Junction with the said first-mentioned intended Railway in the Parish of *Uny Lelant*. Power to make Railway and Branch Railways.

XIV. And whereas Plans and Sections of the intended Railways showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Cornwall*: Be it enacted, That it shall be lawful for the Company, subject to the Provisions in this and the said Acts incorporated herewith contained, to make and maintain the said Railways and Works in the Lines and upon the Lands delineated in the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose. Power to make Railway according to deposited Plans.

XV. That the Viaduct for carrying the said Railway across the *Hayle* Estuary shall be built with Girders, and not Arches, and with Spans of not less than Twenty Feet; and at any Time after the passing Regulating Construction of Works.

passing of this Act, within Twelve Months of their being called on so to do by the Admiralty, by Writing under the Hand of the Secretary of the Admiralty, the Company shall make an Opening or Draw Bridge in the said Viaduct of not less than Thirty Feet Span; and such Viaduct, and also (if required) such Opening or Draw Bridge, shall be constructed only of such Materials, in accordance with such Plans, and on such Site, as shall be previously approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid, by Writing under the Hand of the Secretary of the Admiralty.

Company not to detain Vessels.

XVI. That if an Opening or Draw Bridge shall be required as aforesaid, it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the *Hayle* Estuary for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge to cross the said Estuary, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company or every Person so offending shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Lights to be exhibited at Viaduct across Hayle Estuary for Guidance of Vessels.

XVII. That during the Construction of the said Viaduct across the *Hayle* Estuary, and Works connected therewith, the said Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Viaduct the said Company shall cause to be hung out or exhibited upon or near to the said Opening or Draw Bridge every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels, and which Lights shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used and placed, as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

XVIII. That

Crossings or Openings to be left for Convenience of the Fisheries, &c.

XVIII. That in the Portion of the said Railway which skirts the Shore to *Saint Ives* the Company shall make, provide, and maintain a sufficient Number of Crossings or Openings through or under the said Railway, to satisfy the Requirements of the Fisheries and Owners of Lands fronting the Shore, the Number of such Crossings or Openings and their Position and Extent being such as shall be directed and approved of by the said Lord High Admiral or the said Commissioners, by Writing under the Hand of the Secretary of the Admiralty; and no Deviation of the said Railway shall be made Seaward of the Black continuous Centre Line shown on the Plan deposited at the Admiralty.

Admiralty may cause a local Survey to be made at Expense of Company.

XIX. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or navigable River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works affecting tidal Waters are abandoned Admiralty may remove same at Expense of Company.

XX. That if any Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of such Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Land for extraordinary Purposes.

XXI. That it shall be lawful for the Company to purchase any Quantity of Land for extraordinary Purposes not exceeding Ten Acres.

Limiting Period for compulsory Purchase of Land.

XXII. That the Powers of the Company for the compulsory Purchase of Land for the Purposes of the Railways shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXIII. That the Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the

the Powers by this or the said Acts incorporated herewith granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Provision as to Money deposited.

XXIV. 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 20, a Sum of Two thousand four hundred Pounds, being One Tenth Part of Three Fourths of 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: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Two thousand four hundred Pounds 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 said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said 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 said 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 said Company shall either have opened the said 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 or transferred 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 of Two thousand four hundred Pounds shall have been executed by the said Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for Payment to Her Majesty, Her Heirs

Heirs or Successors, of the said Sum of Two thousand four hundred Pounds, if the said Company shall not within the Time limited for the Completion of the said Railway either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said 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 Three 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.**

XXV. That it shall be lawful for the Company to demand any Tolls for the Use of the 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 Railways, or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, and for all Coals, Coke, Culm, Charcoal, and Cinders, *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 Buildings, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, 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, and for all Mundic, Copper Ore, Lead Ore,

Ore, Tin Ore, and other Ores, *per* Ton *per* Mile not exceeding One Penny Halfpenny; 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, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *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 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; 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, having more than Two Wheels, 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 if having only Two Wheels, Fourpence; and a Sum of Twopence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Twopence:

Tolls for Passengers or Cattle.

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

For any Person conveyed upon the Railway, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed upon the Railway, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Ox, Cow, Bull, or Neat Cattle conveyed upon the Railway, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep or Lamb, or other small Animal conveyed upon the Railway, *per* Mile not exceeding Three Farthings, and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

XXVI. That

Tolls for propelling Power.

XXVI. That the Tolls which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, 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

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

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand the Tolls and Charges by this Act prescribed as for Three Miles:

For a fractional Part of a Mile beyond Three 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; 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.

Tolls for small Parcel and Articles of great Weight.

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

For the Carriage of small Parcels, (that is to say,) Parcels not exceeding Five hundred Pounds Weight each, on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Eightpence;

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence;

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings;

And for any Parcel exceeding Fifty-six Pounds and 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, 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 Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limit of Weights to be carried on the Railway.

XXIX. That no Carriage shall carry or bear at any One Time upon the Railway at any Part thereof, including the Weight of such Carriage, more than Eight Tons, without the special Licence of the Company.

Limiting Charge for Conveyance of Passengers.

XXX. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance: Provided always, that if any such Passenger be conveyed for a less Distance than Three Miles, it shall be lawful for the Company to demand and receive Tolls as for Three Miles.

Limiting Charge for Conveyance of Goods and Cattle.

XXXI. That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, (except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company,) than the several Sums herein-after mentioned; (that is to say,)

For

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads and Highways, and for all Coals, Coke, Culm, Charcoal, and Cinders, *per* Ton *per* Mile One Penny Halfpenny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils, and for all Mundic, Copper Ore, Lead Ore, Tin Ore, and other Ores, or other Articles of Merchandise, *per* Ton *per* Mile Twopence:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile not exceeding Fourpence:

And for every Carriage, of whatever Description, having more than Two Wheels, 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 Sevenpence, and if having only Two Wheels, *per* Mile Sixpence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fivepence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Mile:

For every Calf, One Penny *per* Mile:

For every Sheep, Pig, or other small Animal, Three Farthings *per* Mile.

Passengers Luggage.

XXXII. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Power to charge extra for Goods by Agreement.

XXXIII. That, notwithstanding anything in this Act contained, it shall be lawful for the Company, and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for or in respect of any such Goods.

XXXIV. That,

Power to charge extra for Special Trains.

XXXIV. That, notwithstanding anything in this Act contained, it shall be lawful for the Company, and they are hereby authorized and empowered, to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Special or Extra Trains by or on the said Railway, or any Part or Parts thereof, and for loading and unloading, collecting, receiving, or delivering, and for providing Covers for Goods, Articles, or Animals.

As to working Arrangements with West Cornwall Railway Company.

XXXV. That, subject to the Provisions of the said "Railway Clauses Consolidation Act, 1845," it shall be lawful for the Company and for the said *West Cornwall* Railway Company from Time to Time to enter into and carry into effect any Contracts or Agreements for or with reference to the Maintenance and Repair of the Railways by this Act authorized to be constructed, or any Part or Parts thereof respectively, and for the working, Use, Management, and Enjoyment of the same, by the said *West Cornwall* Railway Company, or for or in respect of the Traffic passing along the same or any Part thereof, and for the Apportionment and Regulation of the Tolls and Charges arising from or in respect of such Traffic.

Power to vary Contracts, &c.

XXXVI. That the Company and the *West Cornwall* Railway Company may from Time to Time by mutual Consent vary, suspend, or rescind any such Contracts or Agreements, and may enter into other Contracts or Agreements in lieu thereof or in addition thereto.

Contracts not to affect Third Parties.

XXXVII. Provided always, That no such Contract or Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Contract or Agreement, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the Railways upon the same Terms and Conditions, and on Payment of the same Tolls, as they would have been in case no such Contract or Agreement had been entered into.

Interest not to be paid on Calls paid up.

XXXVIII. That it shall not be lawful for the Company, 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, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

XXXIX. That

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

XXXIX. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such 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 any Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

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

Railways to be subject to Provisions of future General Acts.

XLI. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this Act.

Saving the Rights of Her Majesty and the Duke of Cornwall.

XLII. That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, use, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty in right of the Duchy

Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of the said Duke, testified in Writing under the Privy Seal of the said Duke, first had and obtained for that Purpose, or to prejudice, diminish, alter, or take away any of the Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Saving the Rights of the Crown.

XLIII. That nothing whatsoever contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Foreshore, Mud Land or other 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 for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, 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 vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

XLIV. That all the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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