

Redruth and Falmouth Junction Railway Act, 1864.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for any Purpose as "*Redruth and Falmouth Junction Railway Act, 1864.*"

8 & 9 Vict. cc. 16. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Companies Clauses Consolidation Act, 1845," Part I., relating to the Cancellation and Surrender of Shares, of "The Companies Clauses Act, 1863," "The Railways Clauses Consolidation Act, 1845," and Part I., relating to Construction of a Railway, of "The Railways Clauses Act, 1863," (save in so far as those Acts are expressly varied or excepted by this Act,) are incorporated with this Act; and in construing those Acts in connexion with this Act the Term "the Company" shall mean the Company by this Act incorporated; the Term "Superior Courts" shall include any Court of competent Jurisdiction as interpreted by this Act; and the Expression "Superior Court" or "Court of competent Jurisdiction," and any other like Expression in this Act and in the incorporated Acts, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Incorporation of Company.

3. *John Solomon Bickford, Francis Pryor, and William Teague,* 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 described, with all proper Stations, Sidings, Approaches, Works, and Conveniences connected therewith, according to the Provisions of this Act, and for other the Purposes hereby and by the said incorporated Acts respectively authorized, and for the Purposes aforesaid shall form One Body Corporate by the Name of "*the Redruth and Falmouth Junction Railway Company,*" 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 incorporated Acts contained.

Capital.

4. The Capital of the Company shall be Eighty thousand Pounds, divided into Four thousand Shares of the Amount of Twenty Pounds each.

Calls.

5. The greatest Amount of any One Call to be made on any Share in the Capital of the Company shall not exceed One Tenth of the Amount

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Amount of such Share, and Two Months at least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share; and no Share shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

6. The Company may borrow on Mortgage any Sum not exceeding in the whole Twenty-six thousand six hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Eighty thousand Pounds shall have been subscribed for and One Half thereof shall have been paid up, and the Company shall have proved to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of the said Capital of Eighty thousand Pounds have been issued and accepted *bonâ fide*, and that not less than Twenty *per Centum* has been paid up on Account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were taken *bonâ fide*, and are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Facts the Certificate of such Justice under that Section shall be sufficient Evidence).

Power to borrow on Mortgage.

7. The Mortgagees of the Company may enforce the Payment of Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver, and in order to authorize the Appointment of a Receiver in the event of the Principal Money or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Three thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

8. All Monies raised under the Powers of this Act, either by Shares or by borrowing, shall be applied in carrying out the Purposes of this Act, and for no other Purpose.

Application of Money raised.

9. The First Ordinary Meeting of the Company shall be held within Four Months next after the passing of this Act.

First Ordinary Meeting.

10. The prescribed Newspaper for Advertisements is any Newspaper published in the County of *Cornwall*.

Newspaper for Advertisements.

11. The Number of Directors of the Company shall be Six, and the Qualification of a Director shall be the Possession of Shares or Stock

Number and Qualification of Directors.

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Stock in the Undertaking of the aggregate nominal Value of Five hundred Pounds at least.

Quorum of Directors.

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

First Directors.

13. *John Solomon Bickford, Francis Pryor, and William Teague,* together with such Three other Persons as they or such of them as are for the Time being in Office shall nominate in this Behalf, shall be the First Directors of the Company, and (being neither removed nor disqualified nor having resigned) shall continue in Office until the First Ordinary Meeting of the Company: Provided always, that the Acts and Proceedings of the Directors previous to such Nomination shall not be invalidated by reason of their Number being less than Six,

Provision for Directors retiring and future Elections.

14. At the First Ordinary Meeting of the Company the Shareholders present, personally or by proxy, may either continue in Office the First Directors, or any of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, and Three additional Directors (if necessary) to make up the Number of Six, the First Directors being eligible for Re-election; and at the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-five, and at the First Ordinary Meeting in every subsequent Year, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue Directors until others are elected in their Stead, as in that Act mentioned.

As to Money payable to Persons under Disability.

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

Power to make Railways, &c. according to deposited Plans.

16. Whereas Plans and Sections of the proposed Railways and Works showing the Line and Levels thereof, and also a Book of Reference thereto containing the Names of the Owners and Lessees, or reputed Owners and 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*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Company may make and maintain the Railways in the Line or Course shown and upon the Lands delineated on those Plans

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Plans and described in those Books of Reference, and according to the Levels defined on those Sections, and subject to the aforesaid Provisions the Company may enter upon, take, and use such of the said Lands as shall be necessary for that Purpose.

17. The Railways by this Act authorized are :

Description
of Railways.

First, a Railway (No. 1.) commencing in the Parish of *Perranarworthal* in the County of *Cornwall* by a Junction with the *Cornwall* Railway, and terminating in the Parish of *Redruth* in the same County near the *Redruth* Station of the *West Cornwall* Company :

Secondly, a Railway (No. 2.) wholly in the Parish of *Redruth*, commencing from and out of the intended Railway (No. 1.) at the Termination thereof, and terminating by a Junction with a Siding of the *West Cornwall* Railway in the *Redruth* Station of the *West Cornwall* Railway Company.

18. The Junction of Railway No. 1 with the *Cornwall* Railway shall be made at such Point and shall be constructed in such Manner as shall be mutually agreed upon between the Engineer for the Time being of the Company and the Engineer for the Time being of the *Cornwall* Railway Company, or, failing Agreement, as shall be settled by an Arbitrator to be appointed by the Board of Trade on the Application of either Company.

As to
Junction
with
Cornwall
Railway.

19. The Railways shall be constructed, maintained, and worked on the Broad Gauge of Seven Feet: Provided always, that the Company shall and they are hereby required to lay down and maintain a Third Line of Rails, so as to adapt the Railways by this Act authorized for the free and uninterrupted Passage of Carriages, Waggons, and Trucks of the Narrow Gauge of Four Feet Eight and a Half Inches, as well as the Broad Gauge, when and so soon as the Narrow Gauge shall have been laid down and completed upon that Portion of the *Cornwall* Railway which lies between *Truro* and the Junction of the Railway (No. 1.) by this Act authorized with the *Cornwall* Railway at or near *Ponsanooth*; and the *West Cornwall* Railway Company may work over and use with their Engines, Carriages, and Servants, but for the Purposes of Through Traffic only on the Narrow Gauge Rails, on such Terms and Conditions (pecuniary or otherwise) as in case of Dispute shall from Time to Time be settled by an Arbitrator to be appointed by the Board of Trade on the Application of either Company.

Gauge of
Railways.

20. The Company may make the several Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations

Inclination
of certain
Roads.

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not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (to wit,)

No. of Road on Plan.	Parish in which the Road is shown on those Plans.	Description of Road.	Intended Inclination.
47	Perranarworthal -	Parish Road -	1 in 6
87	Gwennap - -	Parish Road -	1 in 10 on one Side, and level on the other.
144	Gwennap - -	Parish Road -	
13	Redruth - -	Turnpike Road -	1 in 20
101	Redruth - -	Parish Road -	1 in 10
159	Redruth - -	Parish Road -	1 in 8
187	Redruth - -	Parish Road -	1 in 10

Width of certain Bridges between Parapets.

21. The Width between the Parapets of the Bridges for carrying the Roads next herein-after mentioned over the Railway need not be of the Dimensions greater than the respective Dimensions next mentioned in connexion with those Roads respectively; (that is to say,)

No. of Road on Plan.	Parish.	Description of Roads.	Proposed Width of Roadway between Parapets.
87	Gwennap - -	Parish Road -	15 Feet.
144	Gwennap - -	Parish Road -	12 Feet.
101	Redruth - -	Parish Road -	15 Feet.

Span of certain Bridges.

22. The Company may make the Bridges under the Railway in respect of the following Roads shown on the deposited Parliamentary Plans of the following Dimensions; (that is to say,)

No. of Road on Plan.	Parish.	Description of Road.	Proposed Span.
164	Gwennap - -	Parish Road -	15 Feet.
159	Redruth - -	Parish Road -	15 Feet.

Land for extraordinary Purposes.

23. The Company may purchase by Agreement and not compulsorily for extraordinary Purposes as defined in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding One Acre.

Powers for compulsory Purchases limited.

24. 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 Two Years and Six Months from the passing of this Act.

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25. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period all the Powers hereby granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the same as shall then be completed.

Limiting
Time for
Exercise of
other
Powers.

26. And whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Seven thousand one hundred Pounds Stock in the Three *per Centum* Consolidated Bank Annuities has been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect to the Application to Parliament for this Act: And whereas the said Sum of Seven thousand one hundred Pounds Stock represents the Sum of Six thousand four hundred Pounds Sterling, which is Eight *per Centum* on Eighty thousand Pounds, being the estimated Expense of the Railways by this Act authorized: Therefore, notwithstanding anything contained in the said recited Act, the said Sum of Stock so transferred as aforesaid in respect of the Application for this Act, or the Dividends of such Sum of Stock, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be transferred or paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period by this Act limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sum of Stock transferred as aforesaid, and the Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be transferred and paid 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 transferred and paid 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 Six thousand four hundred Pounds Sterling shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the

Security for
Completion
of Railway
within Time
limited.

Lords

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Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Six thousand four hundred Pounds Sterling, if the Company shall not within the Period by this Act limited for the Completion of the Railways either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the 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, then such Sum of Stock and the Dividends thereof shall be transferred and paid 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 to produce any Certificate of this Act having passed, anything in the said 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 Stock and the Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

27. It shall be lawful for the Company to demand any Tolls for the Use of the Railways not exceeding the following; (that is to say,)

On Goods,
&c.

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, Oarweed, Clay, Sand, Coals, Culm, Coke, Charcoal, and Cinders, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding One Penny; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Copper Ore, Tin Ore, Manganese, and all other Ores and Minerals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding One Penny Halfpenny; and if conveyed in Carriages belonging

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to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Copper, Tin, Lead, and other Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence ; 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, 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 belonging to or supplied by the Company, *per Mile* not exceeding Sixpence :

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

In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows : On Passengers and Cattle.

For any Person conveyed in or upon any such Carriage, *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, *per Mile* not exceeding Threepence ; and for every Ox, Cow, Bull, or Neat Cattle, *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, *per Mile* not exceeding One Penny ; and for every Sheep, Lamb, or other small Animal, *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.

28. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railways 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, unless the said Passengers, Animals, or Goods are sent by a Special Train, in which Case the Company shall be entitled to charge any reasonable Sum in their Discretion beyond the Tolls and Charges herein limited. Tolls for propelling Power.

[*Local.*]

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Regulations
as to the
Tolls.

29. 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 Railways for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles :

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may, with respect to Passengers, demand Tolls and Charges as for One Mile; and with respect to Animals, Minerals, and Goods may demand Tolls and Charges 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 :

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 Parcels
and single
Articles of
great
Weight.

30. And 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 on the Railways, or any Part thereof, as follows :

If not exceeding Seven Pounds in Weight, Threepence :

If exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Fivepence :

If exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence :

If exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence :

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

Provided always, that Parcels 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, and to
Parcels

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Parcels not being aggregate Quantities of the same Description of Articles sent in the same Package :

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed 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.

31. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways, including the Tolls for the Use of the Railways, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums : Maximum Rates of Charges for Passengers.

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per Mile* :

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per Mile* :

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny Farthing *per Mile*.

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

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

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

For every Calf, One Penny *per Mile* :

For Sheep, Pigs, and small Animals, Three Farthings each *per Mile* :

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

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

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

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

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

Terminal Station defined.

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

Restriction as to Charges not to apply to Special Trains.

34. The Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the Company.

Company may take increased Charges by Agreement.

35. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains or by reason of any other special Service performed by the Company in relation thereto.

Passengers Luggage.

36. Every Passenger travelling upon the Railway may take with him, at his own Risk, his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Power to enter into Traffic Arrangements with Cornwall Railway Company.

37. The Company on the one hand, and the *Cornwall* Railway Company on the other hand, subject to the Provisions of this Act, may from Time to Time enter into and carry into effect Agreements with respect to the following Purposes or any of them, and all incidental Matters ; (that is to say,)

The Maintenance, Management, Use, and Working of all or any Part of the Railways of the Company, and the Use of the Works and Conveniences belonging thereto :

The Management, Collection, Conveyance, and Delivery of the Traffic thereon :

The Supply of any Rolling or Working Stock, Engines, and Plant required for such Purposes :

The Costs and Expenses of such Construction, Working, Management, and Maintenance :

The fixing, Appropriation, Collection, taking, and levying of the Tolls, Rates, and Charges arising thereon for such Traffic :

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The Division and Apportionment of the Receipts arising from such Traffic or any Part thereof, and the Payments and Allowances to be paid or allowed by either of the contracting Companies to the other or others of them:

And the Provisions of the Railways Clauses Act, 1863, Part III., relating to Working Agreements, shall be incorporated with this Act, and shall extend and apply to any Agreement so to be made as aforesaid.

38. So long as under any such Agreement the *Cornwall* Railway Company work the Traffic on the Railways, the Railways shall, for the Purpose of Tolls and Charges, be deemed Part of and to form One continuous Line of Railway with the Railway of the *Cornwall* Railway Company, and the Company working the Railways may demand and take Tolls and Charges on the Railways accordingly: Provided always, that in estimating the Tolls and Charges to be taken in respect of Traffic conveyed under such Agreement partly on the Railways and partly on the *Cornwall* Railway for a less Distance than Three Miles, Tolls and Charges may only be taken as for Three Miles; and for each Mile or Fraction of a Mile beyond Three Miles as for One Mile only with respect to Passengers; and for each entire Mile beyond Three Miles as for One Mile only in respect of Animals, Minerals, and Goods; and for each Fraction of a Mile beyond Three Miles Tolls and Charges may be taken for Animals, Minerals, and Goods in proportion to the Number of Quarters of a Mile contained therein, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile; and no other Short-distance Charge, save the herein-before mentioned Charge for Three Miles, shall be made in respect of the said Railways or either of them.

Tolls during Agreement.

39. 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 Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

40. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 to any Application to Parliament for the Purpose of obtaining

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

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an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

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

Expenses of Act.

42. All the Costs, Charges, and Expenses of and incidental to the soliciting and obtaining of this Act and preparatory thereto shall be paid by the Company.

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