



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap. ccxciv.*

An Act for making a Railway from the River *Tamar* in the Parish of *Calstock*, to *Callington* in the County of *Cornwall*; and for other Purposes. [29th July 1864.]

**W**HEREAS a Railway from the River *Tamar* in the Parish of *Calstock* in the County of *Cornwall*, to *Callington* in the same County, would be of public Advantage: And whereas the *Tamar, Kit Hill, and Callington Railway Company, Limited*, incorporated under "The Companies Act, 1862," are willing, if authorized by Parliament, to make such Railway: And whereas under their Articles of Association the present Capital of the Company is Sixty thousand Pounds, in Six thousand Shares of Ten Pounds each, and they have Power at any Time to increase such Capital and to borrow Money on Mortgage or Bond to the Amount of their subscribed Capital, and they have borrowed on Bonds Fifteen thousand Pounds: And whereas it is expedient that the Capital of the Company should be fixed at Seventy thousand Pounds, and their Powers regulated and defined: And whereas the Object aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it

[*Local.*]

50 C

enacted

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.  
cc. 16., 18.,  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

1. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares and to Debenture Stock, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, are hereby incorporated with this Act.

Interpreta-  
tion of  
Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

The Expression "the old Company" shall mean the *Tamar, Kit Hill, and Callington Railway Company, Limited*, incorporated under the Provisions of "The Companies Act, 1862:"

The Expression "the Company" or "the Promoters of the Undertaking" shall mean the Company incorporated by this Act:

The Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression, 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:

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Incorporation  
of  
Company.

3. From and after the passing of this Act the old Company shall be dissolved and cease to exist, and the present Members of or Shareholders in that Company, and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are hereby united and incorporated into a Company for the Purpose of making and maintaining the Railway and for other the Purposes of this Act, and for those Purposes are by this Act incorporated by the Name of "*The Tamar, Kit Hill, and Callington Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and shall and may sue and be sued, and shall have Power to purchase and

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

and hold Lands for the Purposes of the Undertaking, subject to the Restrictions and Provisions herein and in the incorporated Acts contained.

4. Subject to the Provisions of this Act, all the Lands, Works, Erections, Buildings, Rights, and Easements which immediately before the passing of this Act were vested in the old Company, or any Persons in trust for them or on their Behalf, or to which the old Company were in anywise entitled, either in Law or in Equity, and all Timber, Rails, Apparatus, Stock, Effects, Matters, and Things which have been by them purchased or provided, laid down, erected, or placed, and which immediately before the passing of this Act were the Property of or belonged to the old Company, and all Monies, Securities, Credits, and Effects, and other Property whatsoever belonging to the old Company, or to any Trustees on their Behalf for the Purposes of the old Company, and the Benefit of all Contracts and Engagements entered into with and on behalf of the old Company and immediately before the passing of this Act in force, shall be and the same are hereby transferred to and vested in the Company to the same Extent and for the same Estate and Interest as the same were previously to the passing of this Act vested in the old Company or any Trustees on their Behalf, and may, according to the Provisions of this Act, be held and enjoyed, sued for and recovered, maintained or removed by the Company, as they think fit.

Present  
Property  
vested in  
Company  
incorporated  
by this Act.

5. Subject to the Provisions of this Act, the Memorandum and Articles of Association of the old Company shall, as to any future or prospective Operation thereof from and after the passing of this Act, be wholly void and of none Effect, and the several Persons who have executed the same, and their Heirs, Executors, Administrators, and Assigns, shall immediately from and after the passing of this Act stand and be by virtue of this Act released and discharged from any future Obligation to perform, abide by, fulfil, or conform to such Articles of Association, or any of the Provisions therein contained.

Articles of  
Association  
to be void  
without  
Prejudice to  
Remedies for  
antecedent  
Breaches  
thereof.

6. Notwithstanding the Dissolution of the old Company and the Incorporation of the Company by this Act, and the Avoidance of the said Articles of Association, and excepting as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the old Company or the Shareholders therein, in that Capacity, shall be as valid as if the old Company had not been dissolved or the Company had not been incorporated and the said Articles of Association had not been avoided by this Act, and such Dissolution, Incorporation, and Avoidance by this Act respectively shall accordingly be subject and without Prejudice to anything so done or suffered, and to all Rights, Liabilities, Claims, and Demands,

Saving  
previous  
Rights and  
Liabilities.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

mands, both present and future, which, if the old Company had not been dissolved and the Company had not been incorporated, and the said Articles of Association had not been avoided by this Act, and this Act were not passed, would be incidental to or consequent on any and every thing so done or suffered; and with respect to all such Rights, Liabilities, Claims, and Demands, the Company shall to all Intents and Purposes represent the old Company: Provided always, that the Generality of this Enactment shall not be restricted by any of the other Clauses and Provisions of this Act.

Contracts  
prior to the  
passing of  
this Act to  
be binding.

7. Except as is by this Act otherwise specially provided, all Purchases, Sales, Grants, Conveyances, Deeds, Contracts, Bonds, Debentures, and Agreements entered into or made before the passing of this Act, by, to, or with the old Company, or any Trustees or Persons acting on behalf of the old Company, or by, to, or with any other Person to whose Rights and Liabilities they have succeeded, and now in force, shall be as binding and of as full Force and Effect against or in favour of the Company, and may be enforced as fully and effectually as if, instead of the old Company, or the Trustees or Persons acting on behalf of the old Company, the Company had been a Party thereto.

Actions, &c.  
not to abate.

8. Nothing in this Act contained shall release, discharge, or suspend any Action, Suit, or other Proceeding at Law or in Equity which was pending by or against the old Company, or to which the old Company were Parties immediately before the passing of this Act; but any such Action, Suit, or other Proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company, as the Case may be, in the same Manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the old Company if this Act had not been passed, the Company being, in reference to the Matters aforesaid, in all respects substituted for the old Company.

Trustees to  
be indemnified.

9. Every Trustee or other Person to whom or in whose Name any Lands, Works, Buildings, Easements, Rights, Property, or Effects belonging to the old Company were vested immediately before the passing of this Act, and who (being duly authorized so to do) entered into any Bond, Covenant, Contract, or Engagement in respect of the same or otherwise on behalf of the old Company, shall be indemnified and saved harmless out of the Funds or Property of the Company from and against all the Liability, Loss, Costs, Charges, and Expenses which he may sustain, incur, or be put unto by reason or in consequence of his having entered into any such Bond, Covenant, Contract, or Engagement.

10. Not-

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

10. Notwithstanding the Dissolution and Avoidance by this Act of the said Articles of Association, all Entries in the Books of the old Company for evidencing the Ownership of any Share of the Capital of the old Company, and showing who immediately before the passing of this Act were the Shareholders of the old Company, shall, as far as such Entries are legal Evidence, be effectual for evidencing for the Purposes of this Act who immediately before the passing of this Act were the Shareholders of the old Company.

Entry in Books Evidence of Title to Shares.

11. All Persons who immediately before the passing of this Act owed any Money to the old Company or to any Person on their Behalf shall pay the same, with all Interest (if any) due and payable or accruing upon the same, to the Company, and all Debts and Monies which immediately before the passing of this Act were due or owing or recoverable from the old Company, or for the Payment of which the old Company were or but for this Act would be liable, shall be paid, with all Interest (if any) due or payable or accruing upon the same, by or be recoverable from the Company.

As to Payment of Debts owing before the passing of this Act.

12. All Certificates of Shares in the Undertaking of the old Company (until cancelled under the Powers of this Act), and all Sales, Transfers, and Dispositions heretofore made or executed of or relating to such Shares, shall remain in full Force and continue and be available in all respects as if this Act had not been passed.

Certificates are to remain in force.

13. All Officers and Servants of the old Company who were in Office immediately before the passing of this Act shall hold and enjoy their respective Offices and Employments, together with the Salaries and Emoluments thereto annexed, until they resign the same or be removed therefrom by the Company, and shall have the like Powers and Authorities for the Purposes of this Act and for carrying the same into execution, and shall be subject and liable to the like Conditions, Obligations, Pains, and Penalties, and to the like Powers of Removal, and to the like Rules, Restrictions, and Regulations in all respects whatsoever as if they had been appointed under this Act.

Officers to continue until removed.

14. The Capital of the Company shall be Seventy thousand Pounds, and shall be divided into Seven thousand Shares of Ten Pounds each.

Capital.

15. Every Person and Corporation who immediately before the passing of this Act was entitled to One or more Shares in the Capital of the old Company shall for each such Share be entitled to a Share in the Company created under this Act, and such Shares are hereby vested in such Persons and Corporations accordingly; and every Share so vested shall be subject and liable to the same Trusts, Powers, Pro-

Old Shareholders entitled to their Proportion of Shares.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

visions, Declarations, Agreements, Charges, Liens, and Incumbrances as immediately before the passing of this Act affected the then existing Share in the Capital of the old Company for which it is substituted, and so as to give Effect to and not revoke any Testamentary Disposition of or affecting such then existing Share.

Shares not  
to issue until  
One Fifth  
paid up.

**16.** Subject and without Prejudice to the Rights of the Shareholders in the old Company to the Shares created under this Act in substitution for the Shares in the old Company held by them respectively at the Time of the passing of this Act, it shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Calls.

**17.** Two Pounds a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of the Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to  
borrow on  
Mortgage.

**18.** The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Twenty-three thousand three hundred Pounds, including the Sums borrowed on Bond before the passing of this Act, but no Part of the said Sum of Twenty-three thousand three hundred Pounds shall be borrowed until the whole of the Capital of Seventy thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, nor until the Company has proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the said Capital has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share (except as aforesaid) was paid on Issue of the same, and that such Shares are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proofs having been given the Certificate of such Justice under the said Section shall be sufficient Evidence.

Debenture  
Stock.

**19.** The Company may create and issue Debenture Stock.

Interest not  
to be paid  
on Calls  
paid up.

**20.** The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

21. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

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

22. All and every Part of the Money raised under this Act, whether by Shares or by borrowing, shall be applied only for the Purposes authorized by this Act.

Application of Monies.

23. The First General Meeting of the Company after the passing of this Act shall be held in the Month of *September* or *October* One thousand eight hundred and sixty-four, and the subsequent General Meetings shall be held in the Months of *March* and *September* in every Year.

General Meetings.

24. The Number of Directors until the First General Meeting of the Company after the passing of this Act shall be Eleven, and afterwards the Number shall not exceed Six, but the Company may from Time to Time reduce or increase the Number of Directors within the Limits of Three as the Minimum and Six as the Maximum; and the Quorum of a Meeting of Directors shall be Three, unless the Number of Directors is reduced to Three, and then until the Number is raised the Quorum shall be Two.

Number of Directors and Quorum.

25. The several Persons who were Directors of the Company immediately before the passing of this Act shall be the Directors of the Company after the passing of this Act.

First Directors.

26. The Qualification of a Director shall be the Possession in his own Right of Shares to the aggregate nominal Amount of Two hundred and fifty Pounds.

Qualification of Directors.

27. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting held after the passing of this Act, and at that Meeting the Number of Directors shall be reduced to Six, and the Shareholders present, personally or by proxy, may either continue in Office any of the Directors appointed by this Act, not exceeding Six, or the Meeting may elect a new Body of Directors, or so many Directors as are required to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Re-election.

Election of Directors.

28. At

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

Subsequent Election of Directors.

28. At the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-six, 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 in "The Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by that Act.

Power to make Railway.

29. The Company may make and maintain (with all proper Stations, Approaches, Works, and Conveniences connected therewith) a Railway commencing in the Parish of *Calstock* in the County of *Cornwall*, at the River *Tamar*, and terminating near the Town of *Callington* in the same County.

Railway to be made according to deposited Plans.

30. And whereas a Plan and Section of the proposed Railway, showing the Line and Levels thereof and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerk of the Peace of the County of *Cornwall*: Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the Railway shall be made in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference and according to the Levels defined on the said Section, and the Company may enter upon, take, and use all or any of the said Lands which they may require for the Purposes of the Undertaking.

Power to cross certain Roads on the Level.

31. Subject to the Provisions in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company, in constructing the Railway by this Act authorized, may carry the same with not more than a single Line of Railway, so long as the Railway consists of a single Line, and not more than Two Lines of Railway when the Railway consists of a double Line, across the Roads numbered on the deposited Plan as follows, on the Level thereof; (that is to say,)

Description of Road.	No. on Plan.	Name of Parish.
Public - - -	190	Calstock.
Public - - -	207	Calstock.

Power to alter certain Level of Road.

32. In carrying the following Road over, under, or across the Railway, the Company may alter the Level of such Road, but so as not



*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

not to exceed the Rate of Inclination herein-after specified; (that is to say,)

Description of Road.	No. on Plan.	Name of Parish.	Rate of Inclination allowed.
Public - -	126	Calstock - -	1 in 17.

**33.** Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained to the contrary, the Company may make the Arches of the Bridges for carrying the Railway over the public Road, numbered as follows on the deposited Plan, of the Dimensions herein-after set forth, but not of less Dimensions; (that is to say,)

Power to make certain Arches of Bridges of specified Dimensions.

Description of Road.	No. on Plan.	Name of Parish.	Span.	Height.
Public - -	30	Calstock - -	20	—
Public - -	79	Calstock - -	20	—
Public - -	90	Calstock - -	20	—
Public - -	126	Calstock - -	20	—
Public - -	176	Calstock - -	20	—
Publ - -	3	South Hill - -	20	—
Public - -	25	Callington - -	18	14

**34.** 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.

Powers for compulsory Purchases limited.

**35.** The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," in connexion with the Railway by this Act authorized, not exceeding in the whole Six Acres.

Lands for extraordinary Purposes.

**36.** The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

**37.** Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, the Sum of Six thousand one hundred Pounds, being more than Eight *per Centum* upon Sixty-six thousand three hundred Pounds, the Amount of the Estimate in respect of the Railway authorized by this Act, has been deposited with the Court of Chancery with respect to the Application to Parliament for this Act, and invested in Six thousand seven hundred

Bond for Completion of Railway.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

and twenty Pounds Consolidated Bank Annuities: Therefore, notwithstanding anything contained in that Act, that Sum so deposited, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such a Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons named in the Warrant or Order issued in pursuance of that Act, or the Survivors or Survivor of them, unless the Company, before the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway 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 Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half, and if that Period expire before the Company either have opened the Railway for the public Conveyance of Passengers, or have given the Proof to the Satisfaction of the Board of Trade, the Sum so deposited, and the Interest and Dividends thereof, shall immediately from and after the Expiration of that Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they are then 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: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of that Sum so deposited be executed by the Company, with One or more Sureties, (the Bond to be prepared to the Satisfaction of, and the Surety or Sureties to be approved by, the Solicitor to the Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company do not, within the Time limited for the Completion of the Railway, either open the Railway 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 Shares, and have expended for the Purposes of this Act a Sum equal in Amount to that One Half, and if the Bond be deposited with the Solicitor to the Treasury, then that deposited Sum of Money, and the Interest and Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed; and the Monies to be recovered upon the Bond shall be dealt with in like Manner as the deposited Sum of Money, and the Interest or Dividends thereof, would be dealt with under this Act if the Bond were not so executed and deposited; and the Certificate of such Solicitor that the Bond has been so executed and deposited, and the Certificate of the Board of Trade that the Proof has been given to their Satisfaction, shall respectively be sufficient Evidence of the Facts so certified.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

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

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

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, Ore-weed, 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 in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, 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 to the Company, an additional Sum *per Ton per Mile* not exceeding One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber and Deals, Copper, Tin, Lead, and other Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence Farthing; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Three Farthings:

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

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence:

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

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

For every Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage provided by the Company, an additional Sum *per Mile* not exceeding One Penny:

For

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

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 provided by the Company, an additional Sum *per* Mile not exceeding One Penny:

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

Toll for  
propelling  
Power.

**39.** The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway, or for Horse Power, shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations  
as to Tolls.

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

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

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

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles except Stone and Timber the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Maximum  
Rate of  
Charge for  
Passengers.

**41.** The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Toll for the Use of the Railway and of Carriages, and for locomotive or Horse Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

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*.

42. 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 Waggon or Trucks and locomotive Power, and every Expense incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, shall not exceed the following Sums :

For Cattle,  
Goods, &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 Threepence *per Head per Mile* :

For every Calf, Twopence *per Mile* :

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

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

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

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

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

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

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

Terminal  
Station.

44. The Restrictions as to Tolls and Charges to be made for Passengers and Articles herein-before mentioned shall not extend to any Special Train that may be required to run on the Railway, but shall apply only to the Ordinary and Express Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods on the Railway.

Restrictions  
as to Tolls  
not to apply  
to Special  
Trains.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

Tolls for  
small Parcels  
and single  
Articles of  
great  
Weight.

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

For the Carriage of small Parcels on the Railway, or on any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Three-pence;

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Fivepence;

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

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

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

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Five Tons but shall not exceed Eight Tons, the Company may demand such Sum as they from Time to Time may think fit, not exceeding Sixpence *per Ton per Mile*, including Railway Carriages and locomotive Power:

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

Company  
may take  
increased  
Charges by  
Agreement.

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

Passengers  
Luggage.

**47.** Every Passenger travelling on the Railway may carry with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

Third-class Passengers, without any extra Charge being made by the Company in respect thereof.

48. Nothing contained in this Act or in any Act incorporated herewith or herein referred to shall empower the Company, without the Consent in Writing of the Trustees of the late *William Bingham Baron Ashburton*, deceased, first had and obtained for that Purpose, to alter or revoke any Arrangement or Arrangements, Agreement or Agreements already entered into by the Company with *James Edward Knollys Esq.* the Agent of the said Trustees, respecting the Rents and Dues payable and to be payable by the Company to the said Trustees, in respect to the Possession of any Lands at or near the Terminus of the Railway, in the Parish of *Calstock*, at a fixed Rental, and in respect of the landing and embarking of Goods on or from the Quays at or near the said Terminus, or in the carrying of Goods on or over any Portion of the Lands of the said Trustees situate at *Kelly* in the Parish of *Calstock* aforesaid, or to empower the Company to take by Purchase or otherwise, under any of the Powers contained in this Act, the Rents and Dues in the Section referred to, which said Rents and Dues have been fixed by and between the Company and the said *James Edward Knollys*, as follows, namely: Rental for the Lands and Premises One hundred and ten Pounds *per Annum*, One Farthing *per Ton* for all Limestone, and One Penny *per Ton* for all other Stone, and for all Materials, Goods, Merchandise, and other Matters and Things, except only the ordinary Passengers Luggage allowed to be carried free under the next preceding Section of this Act; such Payments to be made out of the Monies to be taken by the Company in respect of the Tolls and Charges authorized by this Act: Provided always, that the Amount which shall be payable by the Company in Rent and Dues under the said Arrangements or Agreements to any Person for the Time being entitled thereto, and who would not but for this Enactment have been bound by such Arrangements or Agreements, shall in no Year be less than the Sum which shall be found payable by way of Rentcharge before the Lands and Premises shall be transferred to the Company, shall have been valued on a Valuation taken in the Manner provided by the "Lands Clauses Consolidation Act Amendment Act, 1860," for the Settlement of the Amount of Rentcharge to be paid upon the Sale of Land by an incapacitated Person in consideration of a Rentcharge; and the Amount payable by the Company in any Year shall be either that found on the Valuation made as aforesaid, or the Rent and Dues settled in the before-mentioned Agreement, whichever shall in such Year be the highest.

As to Arrangement with Lord Ashburton's Trustees.

49. Nothing contained in this Act, or in any Act or Acts incorporated herewith, or herein mentioned or referred to, shall extend to authorize the Company to take, use, enter upon, or interfere with any Land,

Saving Rights of the Duchy of Cornwall.

*The Tamar, Kit Hill, and Callington Railway Act, 1864.*

Land, Soil, or Water, or any Right in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, without the Consent in Writing of some Two or more of such of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Sec. 39, to exercise all or any of the Rights, Powers, Privileges, and Authorities by the said Act made exerciseable, or otherwise for the Time being exerciseable in relation to the said Duchy, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of such Duke testified in Writing under the Seal of the Duchy of *Cornwall* first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, 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.

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

50. This Act, or anything therein contained, shall not exempt the Railway by this Act authorized 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 of the Rates for small Parcels by this Act authorized.

Expenses of Act.

51. All the Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Short Title.

52. This Act may be cited for any Purpose as "*The Tamar, Kit Hill, and Callington Railway Act, 1864.*"

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1864.