



CHAPTER ccliv.

An Act for incorporating the North Cornwall Railway Company and authorising them to make and maintain the North Cornwall Railway and for authorising arrangements between them and the London and South-western Railway Company and for other purposes. A.D. 1882.

[18th August 1882.]

WHEREAS the making and maintaining of railways from Padstow in Cornwall to Wadebridge and Launceston in the same county and to Halwell in Devon and forming junctions with the Bodmin and Wadebridge Railway at Wadebridge the Launceston and South Devon line of the Great Western Railway Company at Launceston and the Holsworthy line of the London and South-western Railway Company at Halwell and in connexion therewith the making and maintaining of deviations in the line of the Bodmin and Wadebridge Railway as by this Act authorised would be of public and local advantage:

And whereas the persons in that behalf in this Act named with others are willing at their own expense to construct the railways if authorised by Parliament so to do and are desirous of being incorporated into a Company with adequate powers for the purpose and it is expedient that they be incorporated and empowered accordingly as by this Act provided:

And whereas it is expedient that the Company and the London and South-western Railway Company be authorised to enter into working and other agreements as by this Act provided:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Cornwall and Devon and are herein-after

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And whereas the objects of this Act cannot be effected without the authority of Parliament.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the North Cornwall Railway Act 1882.

Incorporation of general Acts. 2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" "the railways" and "the undertaking" mean respectively the railway deviation railways and the undertaking by this Act authorised and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated. 4. The Right Honorable Edward Montagu Granville Stuart-Wortley Earl of Wharncliffe the Right Honorable George Byng Viscount Torrington Sir William Wallace Rodrick Onslow Baronet Charles Gurney John Tremayne John Ching Lewis Charles Foster Charles Bainbridge Rendle Thomas Martyn William Teague and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall

be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The North Cornwall Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are wholly situate in the counties of Cornwall and Devon and are :

Power to
make rail-
ways.

RAILWAY No. 1.—A railway 5 miles 4 furlongs and 1 chain in length commencing in the parish of Padstow in the county of Cornwall on the south quay of the harbour belonging to the Padstow Harbour Commissioners and terminating at Wadebridge in the parish of Saint Breock in the said county by a junction with the Bodmin and Wadebridge Railway 60 yards or thereabouts from and to the north-westward of the market-house at Wadebridge ;

RAILWAY No. 2.—A railway 29 miles 5 furlongs and 4 chains in length commencing in the said parish of Saint Breock by a junction with the Bodmin and Wadebridge Railway 18 chains or thereabouts from and to the northwards of the bridge carrying that railway over the River Camel near Pendevey Farm and terminating at Launceston in the parish of Saint Stephens-by-Launceston in the said county of Cornwall in a field situate on the south side of the Launceston and South Devon line of the Great Western Railway Company and numbered 209 on the tithe commutation map of the said parish of St. Stephens-by-Launceston ;

RAILWAY No. 3.—A railway 2 furlongs 5 chains and 80 links in length commencing in the parish of Egloshayle in the said county of Cornwall by a junction with the Bodmin and Wadebridge Railway $7\frac{1}{2}$ chains or thereabouts from and to the southward of the bridge carrying that railway over the River

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Camel near Pendevey Farm and terminating in the said parish of Egloshayle by a junction with railway No. 2;

RAILWAY No. 4.—A railway 1 furlong 4 chains and 40 links in length commencing by a junction with railway No. 2 at the termination thereof and terminating in the parish of St. Stephens-by-Launceston by a junction with the Launceston and South Devon line of the Great Western Railway Company 20 chains or thereabouts from and to the eastward of the end of that line at the passenger station building at Launceston;

RAILWAY No. 5.—A railway 13 miles 3 furlongs 1 chain and 20 links in length commencing by a junction with railway No. 2 at the termination thereof and terminating in the parish of Halwill otherwise Halwell in the county of Devon by a junction with the Holsworthy branch railway of the London and South-western Railway Company 16 chains or thereabouts from and to the north-westward of the Halwill otherwise Halwell and Beaworthy station-house;

A deviation railway (No. 1) 2 furlongs 3 chains and 70 links in length commencing in the parish of Saint Breock in the county of Cornwall by a junction with the Bodmin and Wadebridge Railway 10 chains or thereabouts from and to the south-eastward of the market-house at Wadebridge and terminating in the same parish by a junction with the said railway 33 chains or thereabouts from and to the south-eastward of the said market-house at Wadebridge;

A deviation railway (No. 2) 1 furlong and 8 chains in length commencing in the parish of Egloshayle in the county of Cornwall by a junction with the Bodmin and Wadebridge Railway 13 chains or thereabouts from and to the south-eastward of the mile-post thereon denoting 3 miles from Wadebridge and terminating in the same parish by a junction with the said railway at a point 8 chains or thereabouts from and to the northward of the last-mentioned mile-post;

A deviation railway (No. 3) 1 furlong 4 chains and 50 links in length commencing in the parish of Egloshayle in the county of Cornwall by a junction with the Bodmin and Wadebridge Railway 14 chains or thereabouts from and to the south-eastward of the mile-post thereon denoting $3\frac{1}{4}$ miles from Wadebridge and terminating in the same parish by a junction with the said railway at or near the last-mentioned mile-post;

A deviation railway (No. 4) 5 furlongs 7 chains and 80 links in length commencing in the parish of Bodmin in the county of Cornwall by a junction with the Bodmin and Wadebridge

Railway 12 chains or thereabouts from and to the eastward of the mile-post thereon denoting $4\frac{3}{4}$ miles from Wadebridge and terminating in the same parish by a junction with the said railway 6 chains or thereabouts from and to the westward of the mile-post thereon denoting $4\frac{1}{4}$ miles from Wadebridge ;

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A deviation railway (No. 5) 5 furlongs and 10 links in length commencing in the parish of Bodmin in the county of Cornwall by a junction with the Bodmin and Wadebridge Railway 9 chains or thereabouts from and to the westward of the mile-post thereon denoting $5\frac{1}{4}$ miles from Wadebridge and terminating in the borough and parish of Bodmin by a junction with the Bodmin line of the said railway 4 chains or thereabouts to the eastward of the mile-post thereon denoting $5\frac{3}{4}$ miles from Wadebridge ;

A deviation railway (No. 6) 7 chains and 30 links in length commencing in the parish of Bodmin in the county of Cornwall by a junction with the Wenford Bridge branch of the Bodmin and Wadebridge Railway 9 chains north-eastward from the existing junction of that branch with the Bodmin and Wadebridge line at junction bridge and terminating in the same parish by a junction with the deviation railway No. 5 ;

A deviation railway (No. 7) 6 furlongs 1 chain and 80 links in length commencing in the parish and borough of Bodmin in the county of Cornwall by a junction with the Bodmin line of the Bodmin and Wadebridge Railway 2 chains or thereabouts measured along the said line from and to the westward of the mile-post thereon denoting 6 miles from Wadebridge and terminating in the said parish and borough of Bodmin by a junction with the said Bodmin line of the Bodmin and Wadebridge Railway at or near the mile-post thereon denoting $6\frac{3}{4}$ miles from Wadebridge ;

And the said deviation railways shall for the purposes of tolls rates and charges and for all other purposes whatsoever form part of the Bodmin and Wadebridge Railway.

6. The capital of the Company shall be six hundred and sixty thousand pounds in sixty-six thousand shares of ten pounds each.

Capital and number and amount of shares.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one-fifth part thereof shall have been paid up.

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Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call and two months at the least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to divide shares.

10. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called preferred half share and the other shall be called deferred half share but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say):—First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

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Half shares to be registered and certificates issued.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Terms of issue to be stated on certificates.

15. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Forfeiture of preferred shares.

16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred shares not to be cancelled or surrendered.

17. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares whether preferred or deferred or one of each held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

18. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole two hundred and twenty thousand pounds and the Company may as each sum of three hundred and thirty thousand pounds of the capital has been issued and accepted and one half of each such sum has been paid up borrow on mortgage any sums not exceeding one hundred and ten thousand pounds but no part thereof shall be borrowed until the

Power to borrow.

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For appointment of receiver.

19. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power to create debenture stock.

20. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock or mortgages shall have been authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First and subsequent meetings.

22. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

23. The number of the directors shall be twelve but the Company may from time to time reduce and again increase the number provided that the number be never more than twelve nor less than five. A.D. 1882.
Number of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.

25. The quorum of a meeting of directors shall be five until the number of directors is reduced to five and then the quorum shall be three. Quorum of directors.

26. The Right Honorable Edward Montagu Granville Stuart-Wortley Earl of Wharncliffe the Right Honorable George Byng Viscount Torrington Sir William Wallace Rodrick Onslow Baronet Charles Gurney John Tremayne John Ching Lewis Charles Foster Charles Bainbridge Rendle Thomas Martyn William Teague and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors.—Election of directors.

27. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres. Lands for extraordinary purposes.

28. 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. Period for compulsory purchase of lands.

29. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or re-lease lands may if they think Power to take easements by

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agreement
&c.

fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to
cross certain
roads on the
level.

30. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :

No. on deposited Plans.	Parish.	Description of Road.
RAILWAY No. 1.		
77	Padstow - -	Quay and roadway.
RAILWAY No. 2.		
88	Egloskerry - -	Public highway.

No carriages
&c. propelled
by steam to
be used on
level crossing
without con-
sent of the
Board of
Trade.

31. No carriages waggons or trucks propelled by steam or by atmospheric agency or drawn by ropes in connexion with a stationary steam-engine shall be used on the public road level crossing by this Act authorised numbered 77 in the parish of Padstow without the previous consent of the Board of Trade.

Inclination
of roads.

32. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 2.			
{ 11	Saint Kew - - -	Public highway	} on one side and 1 in 12 on the other.
13	Do. - - -	Do. -	
23	Do. - - -	Do. -	
			1 in 8 } 1 in 8 } 1 in 13 on one side.

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No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
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RAILWAY No. 2—*continued.*

150	Saint Kew - -	Public highway	1 in 8 on one side and level on the other.
11	Saint Teath - -	Do. -	1 in 12 on one side and level on the other.
67	Do. - - -	Do. -	1 in 14 on one side and 1 in 20 on the other.
274	Do. - - -	Do. -	1 in 15 on one side and level on the other.
45	Treneglos - -	Do. -	1 in 6½ on one side and 1 in 20 on the other.
33	Do. - - -	Do. -	1 in 10 on one side and 1 in 20 on the other.
40	Egloskerry - -	Do. -	1 in 15 on one side and level on the other.
{ 42	Saint Stephens - -	Do. -	1 in 10 } on one side and 1 in 12 on the other.
{ 46	Do. - - -	Do. -	

RAILWAY No. 5.

Same road. { 76 3 157	Hamlet of St. Thomas	Public highway	1 in 10 } on one side and 1 in 30 on the other.
	Saint Mary Magdalene	Do. -	
	Saint Stephens -	Do. -	1 in 12 on one side and 1 in 20 on the other.
63	Broadwoodwidge -	Do. -	1 in 15 on one side and level on the other.
58	Do. - - -	Do. -	1 in 15.
27	Virginstowe - -	Do. -	1 in 15 on one side and level on the other.
72	Ashwater - - -	Do. -	1 in 15 on one side and 1 in 40 on the other.

DEVIATION RAILWAY No. 4.

Same road. { 18 24	Bodmin - - -	Public highway	1 in 10 } on one side and 1 in 15 on the other—same road.
	Do. - - -	Do. -	

DEVIATION RAILWAY No. 7.

{ 115	Parish and borough of Bodmin.	Public highway	1 in 16	
{ 122		Do. - - -	Do. -	1 in 16
{ 136		Do. - - -	Do. -	1 in 16
{ 132A		Do. - - -	Do. -	1 in 16
{ 135A		Do. - - -	Do. -	1 in 16

33. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :

Height and span of bridges.

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No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 1.				
11	Saint Issey	Public highway	15 feet	12 feet.
RAILWAY No. 2.				
80	Egloshayle	Public highway	15 feet	15 feet.
97	Do.	Do.	15 feet	15 feet.
121	Do.	Do.	15 feet	12 feet.
11	Saint Kew	Do.	15 feet	15 feet.
13	Do.	Do.	15 feet	15 feet.
59	Do.	Do.	15 feet	15 feet.
76	Do.	Do.	15 feet	15 feet.
150	Do.	Do.	15 feet	15 feet.
34	Saint Teath	Public highway	15 feet	15 feet.
67	Do.	Do.	15 feet	15 feet.
1	Otterham	Do.	15 feet	15 feet.
17	Warbstow	Do.	15 feet	15 feet.
45	Treneglos	Do.	15 feet	15 feet.
RAILWAY No. 5.				
37	Lifton	Public highway	15 feet	15 feet.
72	Ashwater	Do.	15 feet	15 feet.

Width of certain roadways.

34. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
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RAILWAY No. 1.

42 | Saint Breock - - - | Public highway - | 12 feet.

RAILWAY No. 2.

16	Egloshayle	Public highway	12 feet.
23	Saint Kew	Do.	15 feet.
126	Do.	Do.	15 feet.
133	Do.	Do.	15 feet.
162	Do.	Do.	15 feet.
11	Saint Teath	Do.	15 feet.
53	Do.	Do.	15 feet.
153	Do.	Do.	20 feet.
251	Do.	Do.	20 feet.
274	Do.	Do.	15 feet.

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
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RAILWAY No. 2—*continued.*

	26	Davidstow	Public highway	20 feet.
	29	Do.	Do.	20 feet.
	7	Lesnewth	Do.	15 feet.
Same road {	1	Saint Juliot	Do.	20 feet.
	32	Otterham	Do.	20 feet.
	28	Do.	Do.	20 feet.
Same road {	1	Warbstow	Do.	15 feet.
	72	Treneglos	Do.	15 feet.
	33	Do.	Do.	15 feet.
	17	Do.	Do.	15 feet.
Same road {	1	Do.	Do.	20 feet.
	65	Tresmeer	Do.	20 feet.
Same road {	63	Do.	Do.	20 feet.
	73	Do.	Do.	20 feet.
	20	Do.	Do.	15 feet.
	30	Do.	Do.	15 feet.
Same road {	1	Do.	Do.	20 feet.
	1	Egloskerry	Do.	20 feet.
	40	Do.	Do.	15 feet.
	88	Do.	Do.	15 feet.
Same road {	42	Saint Stephens	Do.	15 feet.
	46	Do.	Do.	15 feet.
	50	St. Thomas the Apostle	Do.	15 feet.
Same road {	56	Do.	Do.	15 feet.
	64	Do.	Do.	15 feet.

RAILWAY No. 5.

Same road {	76	Hamlet of St. Thomas	Public highway	15 feet.
	3	St. Mary Magdalene	Do.	15 feet.
	130	Saint Stephens	Do.	15 feet.
	157	Do.	Do.	15 feet.
Same road {	46	Werrington	Do.	15 feet.
	1	St. Giles-in-the-Heath	Do.	15 feet.
Same road {	58	Broadwoodwider	Do.	15 feet.
	63	Do.	Do.	15 feet.
	27	Virginstowe	Do.	15 feet.
	77	Broadwoodwider	Do.	15 feet.
	86	Do.	Do.	15 feet.
	58	Halwell	Do.	15 feet.

DEVIATION RAILWAY No. 4.

Same road {	18	Bodmin	Public highway	15 feet.
	24	Do.	Do.	15 feet.

DEVIATION RAILWAY No. 7.

Same road {	115	Bodmin	Public highway	15 feet.
	122	Do.	Do.	15 feet.
	136	Do.	Do.	15 feet.
Same road {	132A	Do.	Do.	15 feet.
	135A	Do.	Do.	15 feet.
	136	Do.	Do.	15 feet.

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Power to divert roads as shown on deposited plans.

35. The Company may divert the public highways referred to in the next following table as shown upon the deposited plans and when and as in each case the new portion of road is made and open for use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road that is to say:

Railway.	Parish.	Number of Road on Plan.
No. 2	Saint Teath	13
	Saint Teath	23
	Davidstow	29
	Egloskerry	42
	Egloskerry	46
	Egloskerry	125
Deviation No. 4	Railway	
	Bodmin	18
Deviation No. 7	Railway	
	Bodmin	115
	Bodmin	122
	Bodmin	136

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may appropriate and use for the purposes of their undertaking the site of the road stopped up so far as the same is bounded on both sides by the lands of the Company.

Notice to be given of taking of houses of labouring classes.

36. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

37. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers the Company shall (unless the Company and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to

acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and dwellings.

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38. For the protection of the Old Delabole Slate Company the following provisions shall have effect (that is to say) :

Provisions
for the pro-
tection of the
Old Delabole
Slate Com-
pany.

1. In the construction of the railway No. 2 by this Act authorised the Company shall not without the consent of the Old Delabole Slate Company deviate the centre line of the said railway as shown on the deposited plans between 9 miles 7 furlongs and 4 chains and 10 miles and 1 chain being the same space as between the points marked with the letters A and B on the plan signed in triplicate by the Right Honourable the Earl of Limerick the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which plan has been deposited in the Parliament Office of the House of Lords and another copy whereof is in the custody of the Company and the third copy whereof is in the custody of the Old Delabole Slate Company and shall only take sufficient land on the eastern side of such centre line for the half width of a double line of railway including the necessary slope and a cess not exceeding 10 feet and for a siding and approaches thereto and the Company shall not deviate their centre line between the points B and C on the said plan to the southwards and eastwards from the blue dotted line on the said plan nor acquire for the purposes of the said railway more land to the southward and eastward of the said blue dotted line on the said plan than shall be necessary and requisite for the half width of a double line of railway including the necessary slope and a cess not exceeding 10 feet and for any alteration of public roads in connexion therewith.

39. For the protection of the Great Western Railway Company (in this section called the "Great Western Company") the following provisions shall have effect (that is to say) :

For protec-
tion of
Great Wes-
tern Railway
Company.

- (1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that Company or execute any works whatever under or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans

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and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed by the Board of Trade ;

Construction of railway on lands of Great Western Company.

(2) In constructing the railways or either of them by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate from the centre line shown on the deposited plans where the railway No. 5 crosses the railway of the Great Western Company more than 20 yards to the northward without the previous consent in writing of that Company under their common seal and the said railway No. 5 where the same is intended to cross the Great Western Railway shall be carried over that railway and works by means of a bridge of one span of not less than 32 feet in the clear on the square and a clear headway over the rails of not less than 16 feet high and shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever And if at any time hereafter the Great Western Company shall widen their railway to an extent not exceeding three lines of broad gauge rails the Company shall at its own expense widen the said bridge to the same extent ;

As to communication with the railway of the Great Western Company.

(3) The communication between railway No. 4 and the railway of the Great Western Company shall be made only at such point thereon within the limits of deviation as the Great Western Company and the Company agree and such communication and all works connected therewith which may be made for the reception accommodation and delivery of the traffic of the Company on the land of the Great Western Company shall be made by the Great Western Company at the sole expense of the Company and except only so far as the Company and the Great Western Company otherwise agree the same shall for ever thereafter be maintained and kept in repair by the Great Western Company at the sole expense of the Company and such communication and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the railway or the works or property of the Great Western Company or the free and uninterrupted use thereof by that Company or interfere with the traffic thereon ;

- (4) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railways Nos. 4 and 5 by this Act authorised over and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise ;
- (5) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission ;
- (6) The Company shall at their sole expense and at all times maintain the bridge and other works by which the said railway No. 5 shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may without such notice make and do in and upon as well the land of the Company as their own land all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction ;

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Company to pay to Great Western Company expenses of watchmen during construction of works.

Damages sustained by Great Western Company to be repaid.

Maintenance of works affecting railway of Great Western Company.

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Not to interfere with traffic on railway of Great Western Company.

(7) In constructing and maintaining the railways Nos. 4 and 5 by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds for every hour during which any such obstruction or interference shall continue ;

Lands of Great Western Company that may be acquired by Company.

(8) Except as provided for the purpose of (a) crossing the railway of the Great Western Company (b) and for that part of the communication of railway No. 4 with the railway of the Great Western Company which lies to the northward of the line herein-after referred to and (c) as to railways No. 2 and No. 5 the Company shall not take or acquire any rights over any lands of the Great Western Company northward of the line of demarcation marked A B C D E and F coloured blue on a plan marked G and dated the 21st day of July 1882 and signed in duplicate by Messrs. Galbraith and Church the engineers of the Company and Peter John Margary one of the engineers of the Great Western Company one part of which plan is in the custody of the Company and the other part thereof is in the custody of the Great Western Company and nothing in this Act contained shall authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands lying to the northward of the said line coloured blue or to alter vary or interfere with the railway of the Great Western Company or with any of the works thereof further or otherwise than is necessary for the construction of the said crossing and communication by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company lying to the northward of the said line which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company may purchase and take and the Great Western Company shall sell or grant an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and should any arbitrator appointed as herein-after provided decide that it will be necessary for the Great Western Company

to alter or extend the lines of railway and sidings at Launceston station to admit of the communication being made or in consequence thereof the Company shall repay to the Great Western Company all costs charges and expenses which they may have incurred or been put to in consequence of or incidental to such alteration or extension ;

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(9) The Great Western Company may at their own expense at any time or times hereafter if they should deem it necessary alter or remove the communication by this Act authorised with their railway and substitute a new communication therefor but such alteration or substituted communication as the case may be shall not stop the traffic on railway No. 4 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the communication or substituted communication as the case may be or the signals works and conveniences connected therewith ;

Alteration of communication.

(10) The Company shall not take or acquire any of the lands numbered 39 41 42 43 44 45 46 and 47 in the deposited plans so far as the same relate to lands in the parish of Bodmin deviation railway No. 5 other than are absolutely necessary for constructing such deviation railway No. 5 by this Act authorised and shall not do or consent to anything being done which shall or may hinder the Great Western Company from constructing the railway No. 6 authorised by the Great Western Railway Act (No. 1) 1882 as shown on the deposited plans of that railway or so as to prevent a junction being made between that railway and the Bodmin and Wadebridge Railway provided that nothing in this sub-section shall in any way affect the rights and interests of the London and South-western Railway Company ;

45 & 46 Vic
c. cexiv.

(11) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed on between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers in London the cost of such arbitration to be in the discretion of such arbitrator ;

Arbitration.

(12) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Great Western Company otherwise than is by this Act expressly provided.

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Deposit
money not to
be repaid ex-
cept so far
as railway
opened.

40. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter 20 a sum of twenty-six thousand pounds three per centum consolidated bank annuities and a sum of five thousand pounds new three per centum annuities being equal in value to five per centum upon the amount of the estimate in respect of the railway has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is in this Act referred to as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not 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 issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

41. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no

compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

42. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of works.

43. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):—

Tolls for passengers and animals.

In respect of passengers and animals conveyed on the railways :

For every person the sum of twopence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile ;

Class 1. For every horse mule ass or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile ;

Class 2. For every ox cow bull or head of neat cattle the sum of twopence per mile and if conveyed in or upon a carriage belonging to the Company an additional sum of one penny per mile ;

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For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eightpence ;

For any parcel exceeding two hundred and fifty pounds 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 in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages :

For the carriage of single articles of great weight on the railway :

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 machinery or single piece of timber or stone 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.

Maximum
rates for
passengers.

47. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

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 halfpenny per mile.

Maximum
rates for
animals and
goods.

48. The maximum rate of charge to be made by the Company for the conveyance of animals and goods except such small parcels and single articles of great weight as aforesaid on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is per-

formed by the Company) shall not exceed the following sums (that A.D. 1882.
is to say) :—

For every animal in Class I. fourpence per mile ;

For every animal in Class II. threepence per mile ;

For every animal in Class III. one penny halfpenny per mile ;

For every thing in Class IV. one penny halfpenny per ton per
mile ;

For every thing in Class V. twopence per ton per mile ;

For every thing in Class VI. threepence per ton per mile ;

For every thing in Class VII. fourpence per ton per mile ;

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 sixpence and if weighing more than one
ton twopence for every additional quarter of a ton or fraction
of a quarter of a ton which such carriage may weigh.

49. Every passenger travelling upon the railway may take Passengers'
luggage.
with him his ordinary luggage not exceeding one hundred and
twenty pounds in weight for first-class passengers one hundred
pounds in weight for second-class passengers and sixty pounds in
weight for third-class passengers without any charge being made
for the carriage thereof.

50. No station shall be considered a terminal station in regard Defining ter-
minal station.
to any goods conveyed on the railway unless such goods have been
received thereat direct from the consignor or are directed to be
delivered thereat to the consignee.

51. The restrictions as to the charges to be made for passengers Foregoing
charges not
to apply to
special
trains.
shall not extend to any special train run upon the railway in respect
of which the Company may make such charges as they think fit
but shall apply only to the express and ordinary trains appointed
from time to time by the Company for the conveyance of passengers
and goods upon the railway.

52. Nothing in this Act shall prevent the Company from taking Company
may take
increased
charges by
agreement.
any increased charges over and above the charges by this Act
limited for the conveyance of animals or goods of any description
by agreement with the owners or persons in charge thereof either
by reason of any special service performed by the Company in
relation thereto or in respect of the conveyance of animals or goods
(other than small parcels) by passenger trains.

53. The book tables or other document in use for the time being Classification
table to be
open to in-
containing the general classification of goods carried by goods or

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—
specification and
copies to be
sold.

merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal
charges if
any to be
specified on
application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict.
c. 48.

Agreements
with London
and South-
western
Railway
Company.

54. The Company and the London and South-western Railway Company may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say) :—

The management use working and maintenance by either of the contracting Companies of the railway or any part thereof ;

The supply during the continuance and for the purposes of any agreement for the working or use of the railway by either of the contracting Companies of any rolling or working stock and of officers and servants for the conduct of the traffic on the railway ;

The payments to be made and the conditions to be performed with respect to the matters aforesaid ;

The interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the contracting Companies ;

The fixing and division between the contracting Companies of the receipts arising from such traffic ;

The payments allowances rebates and drawbacks to be paid made or allowed by either of the contracting Companies to the other of them for or on account of any of the matters to which the respective agreement relates.

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55. Where under the provisions of this Act or of any agreement made in pursuance of this Act traffic is conveyed partly on the railway of the Company and partly on the railway of any other company the railway of the Company and the railway of such other company shall for the purposes of short-distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of any other company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short-distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railway of any other company.

Tolls on traffic conveyed partly on railway of Company and partly on other railways.

56. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights 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 authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 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.

Saving the rights of the Duchy of Cornwall.

26 & 27 Vict. c. 49.

57. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him

Interest not to be paid on calls paid up.

A.D. 1882. — beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposit for future Bills not to be paid out of capital.

58. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

59. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

60. All the costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.