

Treffry's Estate (Newquay Railway) Act, 1857.

Branch Tramroad out of the last-described Tramroad, commencing at or near *Groze* in the Parish of *Saint Columb Major*, passing from, through, or into the several Parishes of *Saint Columb Major* and *Saint Enoder* and the Borough of *Mitchell*, and terminating on the *Newlyn Downs*, at or near *East Wheal Rose Mine*, in the Parish of *Newlyn*, all in that County; also to make and maintain another Branch Tramroad out of the last-described Branch Tramroad, commencing at or near the Village of *Summercourt* in the Parish of *Saint Enoder*, and terminating at or near the Village of *Ladock* in the Parish of *Ladock*, all in that County; and for such Purposes to enter upon, take, and use Lands for making the Tramroads and Works; and the Testator, his Heirs and Assigns, were authorized to demand the Tolls therein specified for the Uses of the Tramroads and the Works and Conveniences thereof: And whereas the Testator proceeded to put the "Act of 1844" into execution, but in making the Tramroads he deviated beyond the Limits of Deviation allowed by the "Act of 1844," and he did not make all the Works by that Act authorized: And whereas the Testator was the Owner of large Estates in the County of *Cornwall*, and he departed this Life in the Year One thousand eight hundred and fifty, having by his Will dated the Ninth Day of *February* One thousand eight hundred and forty-one, and a Codicil thereto dated the Sixth Day of *April* One thousand eight hundred and forty-six, made a Settlement of those Estates, and having by the Codicil appointed *Thomas Cabbell*, since deceased, and *James Henry Meredith*, Trustees, with extensive Powers for the Management of the Estates: And whereas the Reverend *Edward John Treffry*, now of *Place* in the County of *Cornwall*, Clerk, became on the Testator's Decease entitled, subject to the Provisions of the Will and Codicil, as Tenant for Life in possession to the Estates: And whereas by "Treffry's Estate Act, 1853," (in this Act called "the Estate Act,") the Estates were (Section 2) vested in the said *James Henry Meredith*, his Heirs, Executors, Administrators, and Assigns, according to the Tenure, Nature, and Quality of the same respectively, freed and for ever discharged from all the legal Uses, legal Limitations, and legal Provisions of the Will and Codicil respectively, but upon trust for the several Purposes of that Act, and, except as by that Act otherwise provided, subject to the Trusts, Powers, and Provisions of the Will and Codicil, and subject also to Trusts corresponding with those legal Uses, legal Limitations, and legal Provisions respectively; and it was enacted (Section 3) that from and after the passing of that Act the Trusts and Powers of the Will and Codicil and that Act respectively might from Time to Time be executed and performed by the said *James Henry Meredith*, his Heirs, Executors, and Administrators, alone or together with any other Person or Persons from Time to Time appointed by the High Court of Chancery to be a Trustee or Trustees

16 & 17 Vict.
c. 25. (Private.)

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Trustees of the Will and Codicil, or by such Person or Persons (and who respectively are and is in that Act called "the Trustees"), and except only as by that Act otherwise provided, should be so executed and performed only under the Decree, Order, or Direction of the Court; and it was enacted (Section 4) that the Trustees might from Time to Time, under the Decree, Order, or Direction of the Court, exercise the Powers therein expressed, or any of them, and do all such Things as were from Time to Time requisite for giving full Effect to the Exercise thereof respectively; that is to say, (among other Things therein expressed,)

First, the Trustees might complete all or any Part of (among other Works therein specified) the Testator's Railways, Tramroads, Branch Railways, and Branch Tramroads:

Secondly, the Trustees might construct and provide on or in connexion with the Testator's Estates any Works and Conveniences whatsoever for any Purposes of the Will and Codicil and that Act respectively:

Thirdly, the Trustees might work and use such Works and Conveniences respectively, and might regulate and manage the same and the User thereof:

Thirteenthly, the Trustees might purchase and otherwise acquire all such Hereditaments, Easements, Rights, and Privileges whatsoever, and for such Estates, Terms, and Interests, and of such Tenures as it might from Time to Time be found advantageous to the Testator's Estates so to purchase or otherwise acquire:

Fourteenthly, the Trustees might carry on, for the Purposes of the Will and Codicil and that Act respectively (among other Businesses therein specified) the Business of a Carrier on the Testator's Railways and Tramroads:

Seventeenthly, the Trustees might, for any of the Purposes of the Will and Codicil and that Act respectively, enter into any Contracts and Arrangements, and incur any Liabilities whatsoever:

Eighteenthly, the Trustees might apply, for any of the Purposes of the Will and Codicil and that Act respectively, any Moneys from Time to Time forming Part of the Testator's Estates:

Nineteenthly, the Trustees might exercise the preceding Powers respectively, either alone or in concurrence with any other Parties:

Twentiethly, the Trustees might do and concur in doing all such other Things whatsoever, and whether of the like or any other Kind, which might appear to the Trustees expedient for any of the Purposes of the Will and Codicil and that Act respectively:

And it was enacted (Section 6) that the Court might from Time to Time make and give all such Decrees, Orders, and Directions whatsoever
for

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for and with respect to the Execution of the several Trusts, Powers, and Provisions of the Will and Codicil and that Act respectively, and with respect to Costs, and the Taxation, Allowance, and Payment of Costs, as the Court thought fit, and should have full Jurisdiction and Authority to give effect to those Trusts, Powers, and Provisions respectively, and all Things from Time to Time done in and about the Execution thereof, and with respect to Costs; and it was enacted (Section 7) that the Court might from Time to Time make such Decrees, Orders, and Directions, for the Purposes of the Will and Codicil and that Act respectively, as the Court thought fit, either in the Two Causes of "*Meredith versus Treffry*" and "*Treffry versus Meredith*," or either of them, or upon Petition presented in a summary Way by the Trustees or by any Person of full Age interested under the Will and Codicil and that Act, or any of them, or by the Guardian of any Infant so interested: And whereas the said *James Henry Meredith* proceeded accordingly in the Execution of the Trusts of the Will and Codicil and the "Estate Act," and in the Execution of those Trusts he proceeded to execute the "Act of 1844," and for the Purpose of completing such Parts of the Tramroads and Works by that Act authorized as it appeared desirable to execute, and other Works in connexion therewith, he purchased or agreed to purchase and obtained possession of divers Lands and Estates and Interests in Lands: And whereas by reason of the Testator having made Part of the Tramroads and other Works beyond the Limits of Deviation authorized by the "Act of 1844," and otherwise, Questions arose as to the Title acquired by the Testator and the said *James Henry Meredith* respectively to some of the Lands obtained by them respectively for the Purposes of the Tramroads and other Works, and as to the Right to demand Tolls for the User of Parts of the Tramroads and other Works, and it was deemed expedient that Application should be made to Parliament for an Act to set the Questions at rest, and the Sanction of the Court to such an Application was accordingly petitioned for by the said *James Henry Meredith*: And whereas by an Order of the Court, made by the Vice Chancellor *Stuart* on the Thirtieth Day of *July* One thousand eight hundred and fifty-six, in the Causes of "*Meredith versus Treffry*" and "*Treffry versus Meredith*," on the Petition of the said *James Henry Meredith*, it was ordered that it should be referred to the Judge, to whose Court those Causes were attached, to approve and settle One or more Bill or Bills for an Act or Acts of Parliament (with "The Lands Clauses Consolidation Act, 1845," incorporated therein) to empower the Petitioner, or other the Trustees or Trustee for the Time being of the Will and Codicil and the "Estate Act," to hold and perfect the Title to the several Lands purchased and agreed to be purchased by the Testator and the said *James Henry Meredith*,

as

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as in the Petition mentioned, for the Purposes of and in and through which the Railway or Tramroad from *Par* to *Molinis*, and the Branch Line thereof to *Colcurrow*, in the County of *Cornwall*, are constructed, and for the Purposes of the Canal from *Par* to a Point about Two and a Quarter Miles distant therefrom, being the Termination of the said Canal, and which Canal is in connexion with the same Railway; and also to obtain Power to use Locomotive Steam Engines on the same Main and Branch Railway Lines, and for Power to levy and take Tolls and Dues for the Use of the said Railway and Canal respectively, and the Harbour at *Par*, and also to repeal so much of the "Act of 1844" as had become inoperative and inapplicable to the *Newquay* Railway and Branch thereof as then constructed by reason of the Deviations in the Petition mentioned and of the abandoning of Parts of the Main Line throughout, or where deviated from, extending from *Newquay* to *Gonnamaroes*, and of the Branch Lines from *Groze* to *Newlyn Downs* and from *Summercourt* to *Ladock*, and to make such other Provisions in lieu thereof as should be necessary; and also to empower the Petitioner, or other the Trustees or Trustee in the Petition named, to hold and perfect the Titles to the several Lands purchased and agreed to be purchased, as in the Petition mentioned, by the Testator and the Petitioner, for the Purposes of the *Newquay* Railway and the Branch Line thereof from *Newquay* Harbour to the *East Wheal Rose* Mine in *Newlyn Downs* (notwithstanding the same Lands were not taken under the Powers of the "Act of 1844"), and to obtain Power for the User of Locomotive Steam Engines upon the last-mentioned Main and Branch Railway Lines, and also the *Par* Railway, and also to confirm the Right of the Petitioner, or such other Trustees or Trustee as aforesaid, or to empower him or them to levy and take the same Tolls upon the *Newquay* Main and Branch Railway Line as then constructed as were authorized to be taken by the "Act of 1844" in respect of the Main and Branch Lines thereby authorized to be made: And whereas by an Order of the Court, made by the Vice-Chancellor *Stuart* on the Sixteenth Day of *December* One thousand eight hundred and fifty-six, in the Causes of "*Meredith* versus *Treffry*" and "*Treffry* versus *Meredith*," on the Application of the said *James Henry Meredith*, it was ordered that all Proceedings upon so much of the Order made in those Causes, dated the Thirtieth Day of *July* One thousand eight hundred and fifty-six, as directed the Approval and Settlement of a Bill for an Act of Parliament to empower the said *James Henry Meredith* to hold and perfect the Title to the Lands purchased, as in the said Order of the Thirtieth Day of *July* One thousand eight hundred and fifty-six mentioned, for the Purposes of the *Par* Canal and Railway or Tramroad, in the same Order also mentioned, and to levy and take Tolls and Dues for the Use of the said Railway and Canal respectively, and the Harbour at *Par*, as in the

[Local.]

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same

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same Order also mentioned, should be stayed until the further Order of the Court: And whereas by an Order of the Court, made by the Vice Chancellor *Stuart* on the Twenty-third Day of *December* One thousand eight hundred and fifty-six, in the Causes of "*Meredith* versus *Treffry*" and "*Treffry* versus *Meredith*," on the Application of the said *Edward John Treffry*, it was ordered that a Clause should be inserted in the said Bill to the following Effect; that is to say, "The increased Annuity of One thousand and fifty Pounds mentioned in the Agreement dated the Twenty-fourth Day of *January* One thousand eight hundred and fifty-two, recited in the 'Estate Act,' and which Annuity is by the 'Estate Act' authorized to be paid under the Direction of the High Court of Chancery to the said *Edward John Treffry* when the *Newquay* Railway is completed, shall become payable and be paid from the Day at which the Line of Railway and Branch by this Act authorized is completed and opened for public Traffic, and the Authority by this Act given to the Trustees to abandon Parts of the Tramroads authorized by the 'Act of 1844,' and the Noncompletion of the Parts so authorized to be abandoned, shall be subject and without Prejudice to his Right to that Annuity, and to any Increase thereof from Time to Time sanctioned by the Court: Provided always, that if the *Newquay* Railway as by this Act authorized be not completed on or before the Expiration of the Period by this Act limited for the Completion thereof, then the Annuity of One thousand and fifty Pounds shall become payable and be paid from the Expiration of that Period:" And whereas by an Order of the Court, made by the Vice Chancellor *Stuart* on the Twentieth Day of *January* One thousand eight hundred and fifty-seven in those Causes, on the Application of the said *Edward John Treffry*, it was ordered that, in lieu of the Clause directed to be inserted in the said Bill by the said Order of the Twenty-third Day of *December* One thousand eight hundred and fifty-six, a Clause should be inserted in the said Bill to the following Effect; (that is to say,) "The increased Annuity of One thousand and fifty Pounds mentioned in the Agreement dated the Twenty-fourth Day of *January* One thousand eight hundred and fifty-two, recited in the Estate Act, and which Annuity is by the Estate Act authorized to be paid, under the Direction of the Court of Chancery, to the said *Edward John Treffry* when the *Newquay* Railway is completed, shall become payable and be paid from the Day at which the Line of Railway by this Act authorized is completed and ready to be opened for public Traffic from *Newquay* Harbour to *Hendra Down*, and the Branch to *East Wheal Rose* Mine, and the Authority by this Act given to the Trustees to abandon Parts of the Tramroads authorized by the 'Act of 1844,' and the Noncompletion of the Parts so abandoned, shall be subject and without Prejudice to his Right to that Annuity,

" and

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“ and to any Increase thereof from Time to Time sanctioned by the
 “ Court: Provided always, that if so much of the *Newquay* Railway
 “ as extends from *Newquay* Harbour to *Hendra Down*, and the
 “ Branch to *East Wheal Rose* Mine, as by this Act authorized, which
 “ is now nearly completed, be not completed on or before the Expira-
 “ tion of Twelve Months from the passing of this Act, then the
 “ Annuity of One thousand and fifty Pounds shall become payable
 “ and be paid from the Expiration of that Period;” and also a Clause
 by which the Time for completing the Railway by the proposed
 Act to be authorized should be limited to the Space of Twelve
 Months from the passing of the Act: And whereas on or about
 the Twelfth Day of *March* One thousand eight hundred and fifty-
 seven the said *James Henry Meredith* departed this Life: And
 whereas by an Order of the Court, made by the Vice Chancellor
Stuart on the Eleventh Day of *April* One thousand eight hun-
 dred and fifty-seven, in the Cause of “ *Treffry* versus *Meredith*,”
 in the Matter of the “ *Trustee Act, 1850*,” and in the Matter of
 the “ *Estate Act*,” it was ordered that *Robert Thomas Head* and
Edward Lambert should be appointed Trustees of the Will and
 Codicil of *Joseph Thomas Treffry* the Testator, in substitution for
 the said *Thomas Cabbell* and *James Henry Meredith* the deceased
 Trustees of the Will, and the said *Robert Thomas Head* and *Edward*
Lambert were to carry into execution the Trusts of the Will and
 Codicil, having regard to the “ *Estate Act*” and the several Pro-
 visions therein contained: And whereas Vice Chancellor *Stuart*, the
 Judge to whose Court the Causes of “ *Meredith* versus *Treffry*” and
 “ *Treffry* versus *Meredith*” are attached, has approved the Bill for
 this Act: And whereas it is expedient that the several Purposes of
 this Act be carried into effect; but in order thereto the Aid of Par-
 liament is requisite: 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:

I. This Act may be cited for all Purposes as “ *Treffry's Estate* Short Title.
 (*Newquay Railway*) Act, 1857.”

II. In the Interpretation of this Act the Expression “ the Interpretation
 Trustees” means and includes the said *Robert Thomas Head* and of
Edward Lambert, and the Survivor of them, and other the Person and Terms.
 Persons who from Time to Time is and are within the Meaning of
 Section 3 of *Treffry's Estate Act, 1853*,” and for the Purposes of that
 Act “ the Trustees” and other the real Representatives from Time
 to Time of the Testator.

III. “ The

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8 & 9 Vict.
cc. 18. & 20.
incorporated.

III. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," are respectively incorporated with this Act.

Same Meaning to
Words, &c.
in incorporated Acts as
in this Act.

IV. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned, have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Powers of
Act to be
executed un-
der Direction
of Court of
Chancery.

V. The Powers and Trusts of this Act may from Time to Time be executed and performed by the said *Robert Thomas Head* and *Edward Lambert*, and the Survivor of them, his Heirs, Executors, and Administrators, alone or together with any other Person or Persons, from Time to Time appointed by the Court of Chancery to be a Trustee or Trustees of the said Will and Codicil, or by such Person or Persons, and except only as by this Act otherwise provided, shall be so executed and performed only under the Decree, Order, or Direction of the Court.

Powers of
the Estate
Act extend-
ed to this
Act.

VI. The several Powers and Provisions of the following Sections of "*Treffry's*" Estate Act, 1853," extend and apply to this Act, and the Purposes thereof, to wit, Sections 4, 5, 6, 7, 8, 9, and 19.

7 & 8 Vict.
c. xxiii.
repealed.

VII. The several Provisions of the recited Act of the Session of the Seventh and Eighth Years of Her present Majesty (the "Act of 1844,") so far but so far only as those Provisions relate to the Railway or Tramroad and Branch Tramroads thereby authorized, are by this Act (but subject to the Provisions thereof) wholly repealed.

General
Saving of
Rights under
Act hereby
repealed.

VIII. Notwithstanding the Repeal of those Provisions of the "Act of 1844," and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done, suffered, and confirmed respectively under or by the "Act of 1844," shall be as valid as if this Act were not passed, and such Repeal and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such Repeal had not happened and this Act were not passed, would be incident to or consequent on any and everything so done, suffered, and confirmed respectively: Provided always, that the Generality of this Provision shall not be restricted by any other of the Clauses and Provisions of this Act.

IX. Not-

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IX. Notwithstanding the Repeal of those Provisions of the "Act of 1844," the Trustees and all other Persons claiming under the "Act of 1844" shall be and remain seised and possessed of and entitled to all Lands, Works, Moneys, and other Real and Personal Estates and Effects, Choses in Action, Claims, and Demands whatsoever of or to which they respectively under or by virtue of the "Act of 1844," or otherwise howsoever, were immediately before the passing of this Act seised, possessed, or in any way entitled at Law or in Equity, or otherwise howsoever, with the Appurtenances, as if this Act were not passed.

The Trustees and others to remain entitled to the Property vested in them.

X. Notwithstanding the Repeal of those Provisions of the "Act of 1844," all the Provisions of any and every other Act of Parliament relating to the said *Joseph Thomas Treffry*, his Heirs and Assigns, and his and their Officers and Servants respectively, and immediately before the passing of this Act in force, except such of those Provisions as relate to so much of the Railway or Tramroad or Branch Tramroads authorized by the "Act of 1844" as are not authorized by this Act, shall be of the like Force and Effect as if such Repeal had not happened, and may be exercised, enforced, and enjoyed by and against the Trustees and other the Persons claiming under the Testator and their respective Officers and Servants respectively, in as full and beneficial a Manner to all Intents as the same respectively might be exercised, enforced, and enjoyed by and against them respectively if this Act were not passed.

Provisions of other Acts continued.

XI. Notwithstanding the Repeal of those Provisions of the "Act of 1844," all Plans, Sections, and Books of Reference, and all Corrections and Certificates of Corrections thereof respectively, deposited for the Purposes of that Act with the Clerk of the Peace for the County of *Cornwall*, shall remain in his Custody as if they were deposited for the Purposes of this Act, and according to the Provisions of the Act of the Session of the Seventh Year of *William* the Fourth and the First Year of Her present Majesty, Chapter 83, and the Clerk of the Peace shall accordingly permit the same to be inspected, and Copies thereof and Extracts therefrom to be taken.

Deposited Plans &c. to remain with Clerk of Peace.

XII. Notwithstanding the Repeal of those Provisions of the "Act of 1844," in every Case in which under the Provisions of that Act any Money was before the passing of this Act paid under the Authority of the "Act of 1844" into the Bank of *England*, or to any Trustees, as Purchase or Compensation Money, or on any other Account, the Money, or the Stocks, Funds, or Securities in or upon which the Money is from Time to Time invested by the Order of the Court of Chancery or otherwise, and the Income thereof, shall after the passing

Moneys paid into the Bank of England to remain invested.

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of this Act be applied and disposed of pursuant to the "Act of 1844," and the Obligations of the said *Joseph Thomas Treffry*, his Heirs and Assigns, under that Act, with respect to such Moneys, Stocks, Funds, and Securities, shall be performed and observed by such Persons as the Court of Chancery directs, and at the Expense of the Estate of the Testator.

Contracts,
&c. pre-
served.

XIII. Notwithstanding the Repeal of those Provisions of the "Act of 1844," all Purchases, Sales, Securities, and Contracts before the passing of this Act made under the "Act of 1844," or with reference to the Purposes thereof, shall be as effectual to all Intents for, against, and with respect to the Trustees and all other Persons claiming under the Testator, and may be proceeded on and enforced in the like Manner to all Intents as if such Repeal had not happened.

Actions, &c.
not to abate.

XIV. Notwithstanding the Repeal of those Provisions of the "Act of 1844," any Action, Suit, Prosecution, or other Proceeding commenced either by or against the Testator, or any Person claiming under him, before the Commencement of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Parties thereto respectively, in the same Manner to all Intents as if this Act were not passed.

Debts to be
paid.

XV. Notwithstanding the Repeal of those Provisions of the "Act of 1844," all Persons who immediately before the passing of this Act owed any Money to the Trustees or any other Persons claiming under the Testator, or to any Person on their respective Behalf, shall pay the same with all the Interest (if any) due and payable or accruing for the same to them respectively, and all Moneys which immediately before the passing of this Act were owing by or recoverable from the Trustees, or any other Persons claiming under the Testator, or for the Payment of which they respectively were or but for this Act would be liable, shall be paid, with all Interest (if any) due and payable or accruing for the same, by or be recoverable from them respectively.

Byelaws
continued for
Six Months.

XVI. Notwithstanding the Repeal of those Provisions of the "Act of 1844," all Byelaws made under that Act, and immediately before the passing of this Act in force, shall, for the Purposes of this Act, but unless renewed under this Act not longer than Six Months after the passing of this Act, continue of full Force as if such Repeal had not happened, and such Byelaws may be enforced and all Proceedings thereunder may be continued and all Penalties thereunder may be recovered accordingly: Provided always, that all Byelaws made
under

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under the "Act of 1844," for any Purposes other than Purposes of the Railway or Tramroad and Branch Tramroads by that Act authorized, shall remain in force as if this Act were not passed.

XVII. Notwithstanding the of Repeal those Provisions of the "Act of 1844," all Books, Certificates, Writings, and Documents by that Act directed or authorized to be kept or made, and which if those Provisions were not repealed would be receivable in Evidence, shall be admissible in Evidence in all Courts of Law and Equity and elsewhere accordingly. Books to be Evidence.

XVIII. Notwithstanding the Repeal of those Provisions of the "Act of 1844," every Officer and Servant appointed or acting under that Act shall hold and enjoy his Office or Employment, and the Salary thereunto annexed, and be deemed an Officer and Servant of the Trustees, until he be removed from such Office or Employment, and every such Officer and Servant so appointed or acting with respect to the Railway or Tramroad and Branch Tramroads by that Act authorized shall have the like Power and Authority for the Purposes of this Act, and be subject to the like Power of Removal, Regulations, Pains, and Penalties in all respects whatsoever, as if he were appointed under this Act. Officers to continue.

XIX. The Trustees under the Authority of this Act may abandon the following Portions of the Tramroads authorized by the "Act of 1844;" to wit, Trustees authorized to abandon Portions of Tramroads herein specified.

First, the Portion of Tramroad commencing at a Field numbered 76 on the Plan of the Tramroad deposited for the Purposes of the "Act of 1844," in the Parish of *Saint Columb Minor* otherwise *Lower Saint Columb*, and passing from, in, through, or into the Parishes, Townships, or Extra-parochial Places of *Saint Columb Minor* otherwise *Lower Saint Columb* and *Little Colon* otherwise *Colan*, and terminating at the Field numbered 2 on that Plan, in the Parish of *Little Colon* otherwise *Colan*:

Secondly, the Portion of Tramroad commencing in a Field numbered 45 on that Plan in the Parish of *Saint Columb Major* otherwise *Higher Saint Columb*, and passing from, in, through, or into the Parishes of *Saint Columb Major* otherwise *Higher Saint Columb* and *Saint Dennis*, and terminating in a Field numbered 20 on that Plan in the Parish of *Saint Dennis*:

Thirdly, the Portion of Tramroad commencing in a Field numbered 36 on that Plan in the Parish of *Saint Dennis*, and passing from, in, through, or into the Parishes of *Saint Dennis* and *Saint Stephen*, and terminating in a Field numbered 86 on that Plan, at or near *Gonnamaroes* in the Parish of *Saint Stephen*:

Fourthly,

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Fifthly, the Branch Tramroad commencing at or near the Village of *Summercourt* in the Parish of *Saint Enoder*, and terminating at or near the Village of *Ladock* in the Parish of *Ladock*:

Sixthly, so much of the *Newquay* Railway as was authorized to be constructed between *Towan Head* in the Parish of *Saint Columb Minor* otherwise *Lower Saint Columb* and the existing Line already constructed from *Newquay* Harbour to the *Hendra Down*.

Trustees to make Compensation for Lands contracted for, but not taken.

XX. In every Case where before the passing of this Act any Contract was entered into or any Notice was given by the Testator, or the said *James Henry Meredith*, or the Trustees of the said Testator, for purchasing any Lands which the Testator, his Heirs and Assigns, were authorized to purchase for the making of any Portion by this Act authorized to be abandoned of the Tramroads authorized by the "Act of 1844," the Trustees shall make to the Owners or Occupiers of and other Persons interested in such Lands full Compensation for all Injury or Damage sustained by them respectively by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority by this Act given for abandoning Portions of the authorized Tramroads shall not prejudice or affect the Right of any Owner or Occupier of any Lands which the Testator, his Heirs and Assigns, were authorized to purchase for the making of such Portion, to receive from the Trustees Compensation for any Damage occasioned by the Entry of the Testator, his Heirs or Assigns, upon such Lands, or anything done by him or them thereon.

Trustees authorized to maintain and work the now existing

XXI. The Trustees under the Authority of this Act may complete, maintain, manage, regulate, work, and use the following Railway or Tramroad, and Branch Railway or Branch Tramroad, and the Stations, Buildings, Lands, Works, and Conveniences from Time to

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to Time thereof, and which are included in the Expression "the Railway" in this Act; to wit,

Newquay
Railway and
Branch.

First, the existing *Newquay* Railway or Tramroad commencing at or near *Newquay* Harbour in the Parish of *Saint Columb Minor* otherwise *Lower Saint Columb*, and passing from, in, through, or into the Parishes, Townships, or Extra-parochial Places of *Saint Columb Minor* otherwise *Lower Saint Columb*, *Little Colon* otherwise *Colan*, *Saint Columb Major* otherwise *Higher Saint Columb*, *Saint Dennis*, and *Saint Stephen*, and terminating at or near to the *Saint Dennis* Clayworks on the *Hendra Down*, in the Parishes of *Saint Dennis* and *Saint Stephen*, or One of them:

Secondly, the now existing Branch Railway or Branch Tramroad commencing at or near to *Treloggan* in the Parish of *Saint Columb Minor* otherwise *Lower Saint Columb*, and passing from, in, through, or into the Parishes, Townships, or Extra-parochial Places of *Saint Columb Minor* otherwise *Lower Saint Columb* and *Newlyn*, and terminating at or near to *East Wheal Rose* Mine, in the Parish of *Newlyn*.

XXII. And whereas Plans of the Railway and of the Lands now held in connexion therewith, and a Book of Reference thereto, have been deposited with the Clerk of the Peace for the County of *Cornwall*: Therefore it shall, for the Purposes of this Act, be deemed that the Testator and the Trustees respectively were by this Act authorized to purchase such of the Lands shown on those Plans and mentioned in that Book of Reference as immediately before the passing of this Act were occupied by the Railway, and were otherwise for the Purposes of the Railway in the Possession of the said *Robert Thomas Head* and *Edward Lambert*, as Trustees of the recited Will and Codicil and "Estate Act," and that such Lands were permanently required for the Purposes of this Act, and the Clauses and Provisions "with respect to Interests in Lands which have by Mistake been omitted to be purchased" of "The Lands Clauses Consolidation Act, 1845," shall extend to and include all Estates, Rights, or Interests in or Charges affecting those Lands, or any of them, which the Testator or the Trustees may have failed or omitted duly to purchase or to pay Compensation for.

Lands ac-
quired for
the Railway
to be deemed
within the
Power to
purchase;

XXIII. All the Lands shown on those Plans and mentioned in that Book of Reference which, immediately before the passing of this Act, were so occupied or possessed shall, notwithstanding the same were not taken under the Powers of the "Act of 1844," be and continue well and effectually vested in the Trustees, and may be held,

and to be
held accord-
ingly.

[Local.]

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enjoyed,

Treffry's Estate (Newquay Railway) Act, 1857.

enjoyed, and dealt with for the Purposes of this Act with respect to the Railway.

Trustees may purchase outstanding Interests.

XXIV. If at any Time hereafter any Person appear to be entitled to any Estate, Right, or Interest in or Charge affecting the Lands by this Act vested in the Trustees, and which neither the Testator nor the said *James Henry Meredith* nor the Trustees duly purchased or paid Compensation for, then, whether the Period by this Act allowed for the Purchase of Lands have expired or not, the Trustees shall remain in the undisturbed Possession of such Lands, provided within Six Months after Notice of such Estate, Right, Interest, or Charge, if the same be not disputed by the Trustees, or if disputed, then within Six Months after the Right thereto is finally established by Law in favour of the Claimant, the Trustees shall purchase or pay Compensation for the same, and shall also pay to such Person, or to any other Person who establishes a Right thereto, full Compensation for the mesne Profits or Interest which would have accrued to such Persons respectively in respect thereof during the Interval between the Entry of the Testator, or of the said *James Henry Meredith*, or of the Trustees thereon and the Time of the Payment of such Purchase Money or Compensation by the Trustees, so far as such mesne Profits or Interest may be recoverable in Law or in Equity; and such Purchase Money or Compensation shall be agreed or awarded and paid in like Manner as, according to the Provisions of "The Lands Clauses Consolidation Act, 1845," the same respectively would have been agreed on or awarded and paid if the Testator, or the said *James Henry Meredith*, or the Trustees had purchased such Estate, Right, Interest, or Charge before their respectively entering upon such Land, or as near thereto as Circumstances admit.

How Value of such Interests to be estimated.

XXV. In estimating the Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any mesne Profits thereof, the Jury or Arbitrators or Justices shall assess the same according to what they find to have been the Value of such Lands, Estate or Interest, and Profits when such Lands were entered upon by the Testator, or the said *James Henry Meredith*, or the Trustees, without regard to any Improvements or Works made in the Lands by the Testator, or the said *James Henry Meredith*, or the Trustees, or any of them, and as if the Improvements or Works had not been made.

Trustees to pay Costs of Litigation as to such Interests.

XXVI. In addition to the Purchase Money or Compensation, and before the Trustees become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for the

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the Benefit of their Trust Estate, they shall, when the Right to any such Estate, Interest, or Charge is disputed by the Trustees and determined in favour of the Claimant, pay the full Costs and Expenses of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Person with whom any such Litigation in respect thereof took place, and such Costs and Expenses, if disputed, shall be settled by the proper Officer of the Court in which such Litigation took place.

XXVII. All Agreements for the Sale to and Purchase by the Testator, or the said *James Henry Meredith*, or the Trustees of any of those Lands, shall for the Purposes of this Act be construed and have effect as if they were entered into under the Authority of this Act and for the Purposes thereof with respect to the Railway.

Agreements for Purchase of any of those Lands to have Effect under this Act.

XXVIII. The Trustees shall not use Locomotive Steam Engines on the Railway or any Part thereof without the previous Approval in Writing of the Board of Trade, under the Hand of the Secretary of the Board, and on the Application of the Trustees for any such Approval the Board may, at the Expense of the Trust Estate, make such Inquiries as they think fit, and the Board may give any such Approval on such Terms and Conditions as they think fit.

Locomotives not to be used without Consent of Board of Trade.

XXIX. For the greater Convenience and Security of the Public, the Trustees shall, before the User of Locomotive Steam Engines on the Railway, erect and permanently maintain either a Station or a Lodge at the Points where the Railway crosses any public Carriage-road on the Level, and shall be subject to and shall abide by all such Rules and Regulations with respect to the crossing of those Roads on the Level, or with respect to the Speed at which Trains shall pass those Roads, as are from Time to Time made by the Board of Trade; and if the Trustees, after the User of Locomotive Steam Engines on the Railway, fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point, or to observe or abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence continues after the Penalty of Twenty Pounds is incurred.

Trustees to erect Stations or Lodges at level Crossings, and to abide by Rules, &c. of Board of Trade.

XXX. With respect to any Part of the Railway on which Locomotive Steam Engines are used, the Board of Trade, if it appear to them to be necessary for the public Safety, may at any Time require the Trustees, within such Time as the Board of Trade direct, and at the Expense of the Trust Estate, to carry any of those Roads either

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

under

Treffry's Estate (Newquay Railway) Act, 1857.

under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Time for
Completion
of Railway.

XXXI. The Railway or Tramroad and Branch Railway or Branch Tramroad by this Act authorized to be completed shall be completed within One Year after the passing of this Act, and on the Expiration of that Period the Powers of the Trustees for making the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Powers for
compulsory
Purchases
limited.

XXXII. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Lands for ex-
traordinary
Purposes.

XXXIII. The Trustees may purchase by Agreement and hold any Quantity of Land, not exceeding Ten Acres, for any extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845."

Tolls on the
Railway
until Loco-
motives used.

XXXIV. The Trustees from Time to Time, until Locomotive Steam Engines shall be used by them on the Railway or any Part thereof, may demand and take for the User of the Railway or any Part thereof any Tolls not exceeding the following; that is to say,

TOLLS FOR GOODS.

Tolls for
Goods.

Class I. For all Copper Ore, Tin Ore, Lead Ore, Iron, Antimony, Manganese, and all other Ores (except Iron Ore), Minerals, and Semi-metals, Wrought and Cast Iron, Bricks, Tiles, Slate, Timber, and Deals, Fourpence a Ton a Mile :

Class II. For all Lime, Limestone, Culm, Coal, Oarweed, Dung, Compost for Manure, Building Stone, Freestone, Granite, Clay, Sand (except for Manure), and Stones for making Roads, and Iron Ore, Threepence a Ton a Mile :

Class 3. For all Sand for Manure, Twopence a Ton a Mile :

Class 4. For all Copper, Tin, Lead, and other Metals (except Iron), Grain, Corn, Flour, Meal and Potatoes, Hay and Straw, Seeds, Vetches, Peas, Salt, and all other Goods, Wares, Merchandise, and other Articles, Matters, or Things whatsoever, Sixpence a Ton a Mile :

Class 5. For all Goods in Classes 1, 2, 3, and 4, which pass over or along or use any Inclined Plane connecting the Railway with the

Treffry's Estate (Newquay Railway) Act, 1857.

the Harbour of *Newquay*, or the Pier, Wharves, or Works adjoining the same, Twopence a Ton in addition to the above Tolls :

Class 6. For all Goods in Classes 1, 2, 3, and 4, which pass on the Branch Line by this Act authorized to be maintained, as well as on the Main Line, One Penny a Ton for every Mile travelled over the Branch Line in addition to the above Tolls :

Class 7. 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 on any Truck or Platform, Fourpence a Ton a Mile ; and for every additional Quarter of a Ton beyond the First Ton which any such Carriage may weigh, One Penny a Ton a Mile.

TOLLS FOR ANIMALS.

Class 8. For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any Carriage on the Railway, One Penny Halfpenny a Mile : Tolls for Animals.

Class 9. For every Calf or Pig conveyed in or upon any such Carriage, One Halfpenny a Mile :

Class 10. For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, One Halfpenny a Mile.

TOLLS FOR PASSENGERS.

Class 11. For every Passenger conveyed in or upon any Carriage on the Railway, Twopence a Mile. Tolls for Passengers.

ADDITIONAL TOLLS FOR GOODS, ANIMALS, AND PASSENGERS.

Class 12. For every Carriage, Animal, and Passenger in Classes 7, 8, 9, 10, and 11, which passes over or along or uses any Inclined Plane connecting the Railway with the Harbour of *Newquay*, or the Pier, Wharves, or Works adjoining the same, the like Toll as for passing One Mile on the Railway in addition to the above Tolls. Additional Tolls for Goods, Animals, and Passengers.

XXXV. If and when Locomotive Steam Engines shall be used by the Trustees on the Railway, or any Part thereof, the Trustees may demand and take for the User of the Railway, or any Part thereof, and for Carriages and Locomotive Engines (when supplied by them), any Tolls not exceeding the respective Tolls herein-after specified for such User, and for Carriages and Locomotive Engines respectively, but so that the maximum Rates of Charge to be made by the Trustees for the Conveyance of Passengers, Animals, and Goods, including the User

[Local.]

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of

Tolls to be taken when Locomotives are used.

Treffry's Estate (Newquay Railway) Act, 1857.

of the Railway Carriages and Locomotive Engines, and every other Expense incidental to such Conveyance, shall in no Case (except where any Special Train is required or allowed by the Trustees) exceed the respective maximum Rates herein-after specified; (that is to say,)

For the User of the Railway or any Part thereof, the Trustees may take any Tolls not exceeding Four Fifths of the Tolls which they may take for such User when Locomotive Engines are not used on the Railway:

For Carriages supplied by the Trustees they may take any Tolls not exceeding, for Goods respectively comprised in Classes 1, 2, 3, and 4, One Penny Halfpenny *per Ton per Mile*; and for every Carriage comprised in Class 7, and for every Passenger or Animal, One Penny *per Mile*:

For Locomotive Engines supplied by the Trustees they may take any Tolls not exceeding, for Goods respectively comprised in Classes 1, 2, 3, and 4, One Penny *per Ton per Mile*; and for every Carriage comprised in Class 7, and for every Passenger or Animal, One Penny *per Mile*.

The maximum Rates of Charge made by the Trustees shall not exceed the Sums following; (that is to say,)

For Goods comprised in Class 1, Fivepence a Ton a Mile:

For Goods comprised in Class 2, Fourpence a Ton a Mile:

For Goods comprised in Class 3, Fourpence a Ton a Mile:

For Goods comprised in Class 4, Sixpence a Ton a Mile:

For each Passenger conveyed in a First-class Carriage, Threepence a Mile:

For each Passenger conveyed in a Second-class Carriage, Twopence a Mile:

For each Passenger conveyed in a Third-class Carriage, One Penny a Mile:

For every Animal comprised in Class 8, Fivepence a Mile:

For every Animal comprised in Class 9 or Class 10, One Penny a Mile:

Provided always, that the Tolls in Classes 5 and 12 may be demanded and taken in addition to those maximum Rates of Charge.

Regulations
as to the
Tolls.

XXXVI. The following Provisions shall be applicable to the fixing of the Tolls on the Railway, both before and after such Use of Locomotive Engines thereon as aforesaid; (that is to say,)

For a Fraction of a Mile the Trustees may demand and take Toll for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Trustees may demand and take Toll according to the Number of Quarters of a Ton in such Fraction,
and

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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, and Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity :

With respect to small Packages and single Articles of great Weight, the Trustees may demand and take not exceeding the Tolls following ; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each) :

If not exceeding Fourteen Pounds, Fourpence ;

If exceeding Fourteen Pounds and not exceeding Fifty-six Pounds, Eightpence ;

If exceeding Fifty-six Pounds, and not exceeding One hundred and twelve Pounds, One Shilling ;

If exceeding One hundred and twelve Pounds and not exceeding Two hundred and eighty Pounds, One Shilling and Sixpence ;

If exceeding Two hundred and eighty Pounds, any Sum which the Trustees 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, shal not be deemed small Parcels, but that Term applies 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, exceeds Four Tons, but does not exceed Eight Tons, such Sum as the Trustees think fit, not exceeding One Shilling a Ton a Mile :

For the Carriage of any single Article the Weight of which, with the Carriage, exceeds Eight Tons, such Sum as the Trustees think fit.

XXXVII. Provided always, That no Carriage shall carry or bear at any One Time upon the Railway, including the Weight of the Carriage, more than the Weight of Six Tons, except any single Article, and no single Article the Weight of which, with the Carriage, exceeds Eight Tons, shall be carried upon any Part of the Railway without the previous special Licence of the Trustees.

Limits of
Weight to be
carried on
Tramroad.

XXXVIII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve

Passengers.
Luggage.

Treffry's Estate (Newquay Railway) Act, 1857.

twelve 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.

Foregoing Charges not to apply to Special Trains.

XXXIX. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railway, but shall apply only to the Ordinary and Express Trains from Time to Time appointed by the Trustees for the Conveyance of Passengers and Goods upon the Railway.

Company may take increased Charges by Agreement.

XL. This Act, or anything therein contained, shall not prevent the Trustees from taking any increased Charges over and above the Charges by this Act limited for the Conveyance of Goods of any Description by Agreement with the Owners or Persons in charge of such Goods, either by reason of any special Service performed by the Trustees in relation thereto, or in respect of the Conveyance of any Goods other than small Parcels by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains.

Service of Notices, &c. on the Trustees.

XLI. In all Cases in which it shall be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding at Law or in Equity upon the Trustees, for or in respect of anything done or omitted by them, under or in relation to this Act, personal Service thereof upon them or upon their Clerk, or by leaving the same at the principal Office of the Trustees at or near to the Railway, shall be good and sufficient Service of the same respectively on the Trustees.

Trustees may petition for Repayment of Deposit.

XLII. Whereas in pursuance of the Act of the Session of the Ninth and Tenth Years of Her present Majesty, Chapter 20, a Sum of Six hundred Pounds was deposited by the said *James Henry Meredith* (since deceased) with respect to the Application to Parliament for this Act, and was paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*: Therefore, by reason of the Death of the said *James Henry Meredith*, the Court shall, on the Petition of the Trustees, order the Sum of Money so paid in, or the Stocks, Funds, or Securities in or upon which the same may have been invested, and the Interest or Dividends thereof, to be paid or transferred to the Trustees, or to any other Person or Persons whom they may appoint in that Behalf, in like Manner as nearly as may be as if the said *James Henry Meredith* were living, and applied by Petition to the Court in pursuance of Section 5 of that Act.

XLIII. Nothing

Treffry's Estate (Newquay Railway) Act, 1857.

XLIII. Nothing in this Act contained shall prejudice or derogate from the Estate, Right, Title, Interest, Privileges, or Authority of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall*, or other the Personage who may hereafter for the Time being be entitled to the Revenues of the Duchy of *Cornwall* in right or in respect of His Duchy of *Cornwall*, or at any Time be admitted in any Court of Law or Equity, or otherwise considered as Evidence upon any Occasion to affect in any Manner such Rights of His Royal Highness or of such Personage in right or in respect of His Duchy of *Cornwall*.

Saving
Rights of
the Duchy
of Cornwall.

XLIV. Nothing in this Act contained shall alienate, defeat, lessen, prejudice, or derogate from any Estate, Right, Title, Interest, Franchise, Prerogative, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown.

Saving
Rights of
the Crown.

XLV. The increased Annuity of One thousand and fifty Pounds, mentioned in the Agreement dated the Twenty-fourth Day of *January* One thousand eight hundred and fifty-two, recited in the "Estate Act," and which Annuity is by the "Estate Act" authorized to be paid under the Direction of the Court of Chancery to the said *Edward John Treffry*, when the *Newquay* Railway is completed, shall become payable and be paid from the Day at which the Line of Railway by this Act authorized is completed and ready to be opened for public Traffic from *Newquay* Harbour to *Hendra Down*, and the Authority by this Act given to the Trustees to abandon Parts of the Tramroads authorized by the "Act of 1844," and the Noncompletion of the Parts so authorized to be abandoned, shall be subject and without Prejudice to his Right to that Annuity, and to any Increase thereof from Time to Time sanctioned by the Court: Provided always, that if so much of the *Newquay* Railway as extends from *Newquay* Harbour to *Hendra Down* and the Branch to *East Wheal Rose* Mine as by this Act authorized, which is now nearly completed, be not completed on or before the Expiration of Twelve Months from the passing of this Act, then the Annuity of One thousand and fifty Pounds shall become payable and be paid from the Expiration of that Period.

E.J.Treffry's
Allowance
to be in-
creased from
the Com-
pletion of the
Newquay
Railway as
modified by
this Act.

XLVI. Nothing in this Act shall exempt the Railway from the Provisions of any General Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or the Charges for small Parcels, respectively authorized by this Act.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

[Local.]

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XLVII. All

Treffry's Estate (Newquay Railway) Act, 1857.

Expenses of
Act.

XLVII. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Trustees out of the Moneys forming Part of the Testator's Trust Estate.

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