



**CHAPTER clxxxix.**

An Act for incorporating the Temple Mineral Railway Company, and authorising them to make and maintain the Temple Mineral Railway, and for authorising arrangements between them and other Railway Companies; and for other purposes.

A.D. 1874.

[7th August 1874.]

**W**HEREAS the making and maintaining of a railway from the Bodmin and Wadebridge Railway at Blisland to Temple in Cornwall, 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 carry the undertaking into execution, on being incorporated into a Company with adequate powers for the purpose:

And whereas it is expedient that the Company, and all other companies and persons lawfully using the railway of the Company, be authorised to run over and use the railways in that behalf in this Act specified:

And whereas it is expedient that the Company on the one hand, and the Bodmin and Wadebridge Railway Company, and the Cornwall Mineral and Bodmin and Wadebridge Junction Railway Company, or either of them, on the other hand, be authorised to enter into working and other agreements as by this Act provided:

And whereas plans and sections of the proposed railway, showing the line and levels thereof, and the lands which may be taken for the purposes of 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, have been deposited with the clerk of the peace for the county of Cornwall, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

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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 Temple Mineral Railway Act, 1874."

Provisions of certain general Acts incorporated.

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 of terms.

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" and "the undertaking" mean respectively the railway 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. Frederick James Rowan, William James Hard, John Lankester, 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 Temple Mineral Railway Company," and by that name shall be a body corporate, with perpetual

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succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purpose of this Act.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper sidings, stations, approaches, works, and conveniences connected therewith, 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 railway herein-before referred to and authorised by this Act is,—

Power to make railway according to deposited plans.

A railway four miles seven furlongs nine chains and thirteen yards in length, wholly situate in the county of Cornwall, commencing in the parish of Blisland by a junction with the Bodmin and Wadebridge Railway, and terminating in the parish of Temple at the point where the road leading from Temple to Merrifield Farm crosses the Temple stream.

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

Capital, &c.

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 issue until one fifth part paid up.

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.

Calls.

9. If any money be payable to any 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.

Receipts on behalf of incapacitated persons.

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

Power to divide shares.

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— — 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.

Half shares to be registered, and certificates issued.

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.

Terms of issues to be stated on certificates.

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.

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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,  
&c.

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 any sum not exceeding in the whole twenty-one thousand six hundred pounds, but no part thereof shall be borrowed until the whole capital of sixty-five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify, under the 40th section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given him, which shall be sufficient evidence thereof.

Power to  
borrow on  
mortgage.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on

Arrears may  
be enforced  
by appoint-

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ment of a  
receiver.

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 three thousand pounds in the whole.

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 at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, 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.

Number of  
directors.

**23.** The number of the directors shall be three.

Qualification  
of directors.

**24.** The qualification of a director shall be the possession in his own right of not less than ten shares.

Quorum of  
directors.

**25.** The quorum of a meeting of directors shall be two.

First  
directors.

**26.** Frederick James Rowan, William James Hard, and John Lankester 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 any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act 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 personally or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall con-

Election of  
directors.

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tinue to be directors until others are elected in their stead in manner provided by the same Act.

**27.** The quantity of land to be taken by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed one acre. 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. Powers for compulsory purchases limited.

**29.** 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,) Inclination of roads.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
2	Blisland	Public road	1 in 7.
28	Blisland	Public road	1 in 8 on one side and level on the other.
43	Blisland	Public road	1 in 6 on one side and level on the other.
46	Blisland	Public road	1 in 6 on one side and level on the other.
57	Blisland	Public road	1 in 7.

**30.** 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,) Width of certain roadways.

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
8	Temple	Public road	20 feet.

**31.** The communication between the railway by this Act authorised and the Bodmin and Wadebridge Railway (herein-after called the Bodmin Railway), and all openings in the rails of that railway, As to communication with the Bodmin and

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Wadebridge  
Railway.

shall be made only at such point or points thereon within the limits of deviation as the Bodmin and Wadebridge Railway Company (herein-after called the Bodmin Company) do, in writing under their common seal, approve, and all such communications and openings, and all sidings, side lines, and works at or near the junction hereby authorised with the Bodmin Railway which may be made for the reception, accommodation, and delivery of the traffic of the Company, whether on the land of the Company or on the land of the Bodmin Company, shall be made by the Bodmin Company at the sole expense of the Company, and, except only so far as the Company and the Bodmin Company otherwise agree, or according to the terms and conditions from time to time agreed on between them, the same shall be for ever thereafter maintained and kept in good repair by the Bodmin Company at the expense of the Company, and all such communications, openings, and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the Bodmin Railway, or the works or property of the Bodmin Company, or interfere with the traffic on the Bodmin Railway, or the free and uninterrupted use thereof by that Company.

Bodmin and  
Wadebridge  
Railway  
Company  
may erect  
signals, &c.

**32.** The Bodmin Company from time to time may erect such signals and conveniences incident thereto, and appoint and remove such watchmen, switchmen, or other persons as that Company may deem necessary for the prevention of danger to or interference with the traffic at and near the junction between the railway and the Bodmin Railway, and the working and management of the junction and of such signals and conveniences, whether on lands of the Bodmin Company or of the Company, shall be under the exclusive management and regulation of the Bodmin Company; and all the expense of making and maintaining the junction and such signals and conveniences, and the wages of such watchmen, switchmen, and other persons, and all incidental current expenses, shall be repaid by the Company to the Bodmin Company, and as regards the expense of erection at the end of the current half-year in which the same is incurred, and as regards all such other expenses and wages at the end of every half-year; and in default of such repayment the amount of such expenses and wages may be recovered from the Company by the Bodmin Company in any court of competent jurisdiction.

Land of Bod-  
min and  
Wadebridge  
Railway

**33.** No land belonging to the Bodmin Company shall be taken by the Company without the consent in writing of the Bodmin Company under their common seal first had and obtained: Provided



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always, that the Company may purchase and take from the Bodmin Company, and that company shall, if so required by the Company, grant in perpetuity to the Company, an easement or right of using for the purposes of the intended junction of the railway with the Bodmin Railway, and for the purpose of the works and conveniences necessary in connexion with the said junction, such parts of the lands of the Bodmin Company as are necessary for those purposes.

Company not to be taken without consent.

**34.** Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the Bodmin Company.

Saving rights of the Bodmin and Wadebridge Railway Company.

**35.** Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think 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 take easements, &c. by agreement.

**36.** 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 twenty, a sum of three thousand two hundred and ten pounds Three per Centum Consolidated Bank Annuities, being equal in value to the sum of two thousand nine hundred and fifty-three pounds, being five per centum upon the amount of the estimate in respect of the railway, has been transferred, pursuant to the said Act, in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock so transferred as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital;

Deposit money not to be repaid until line opened or half the capital paid up and expended.

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and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

**37.** The said stock transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, 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 Court of Chancery in England 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 Court, 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 said stock 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

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38. 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.

39. The Company may demand and take for the use of the railway, or any part thereof, and for carriages and locomotive engines, any tolls not exceeding the respective tolls herein-after specified, but so that the maximum rates of charge to be made by the Company for the conveyance of passengers, animals, and goods, including the use of the railway, carriages, and locomotive engines, and every other expense incidental to such conveyance, shall in no case exceed the respective maximum rates herein-after specified; that is to say,

Tolls.

For the use of the railway or any part thereof:

Class 1. For all metals, minerals, clays of all kinds, minerals, and semi-metals, wrought and cast iron, bricks, tiles, slate, timber, and deals, and for all lime, limestone, culm, coal, oreweed, dung, compost for manure, building stone, freestone, granite, clay, sand (except for manure), and stones for making roads, and iron ore, twopence one farthing a ton a mile:

Tolls for  
goods.

Class 2. For all sand for manure, one penny halfpenny a ton a mile:

Class 3. For all 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, fourpence a ton a mile:

Class 4. 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, threepence one farthing a ton a mile; and for every additional quarter of a ton beyond the first which any such carriage may weigh, one penny a ton a mile:

Class 5. For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or head of neat cattle, conveyed in or upon any carriage on the railway, one penny halfpenny a mile:

Tolls for  
animals.

Class 6. For every calf or pig conveyed in or upon any such carriage, one halfpenny a mile:

Class 7. For every sheep, lamb, or other small animal conveyed in or upon any such carriage, one halfpenny a mile:

Class 8. For every passenger conveyed in or upon any carriage on the railway, twopence a mile:

Tolls for  
passengers.

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For carriages supplied by the Company they may take any tolls not exceeding for goods respectively comprised in Classes 1, 2, and 3, one penny halfpenny a ton a mile; and for every carriage comprised in Class 4, and for every passenger or animal, one penny a mile:

For locomotive engines supplied by the Company they may take any tolls not exceeding for goods respectively comprised in Classes 1, 2, and 3, one penny a ton a mile; and for every carriage comprised in Class 4, and for every passenger or animal, one penny a mile.

Maximum  
charges.

40. The maximum rates of charges made by the Company shall not exceed the sums following; (that is to say,)

For goods comprised in Classes 1 and 2, threepence a ton a mile:

For goods comprised in Class 3, 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 5, threepence a mile:

For every animal comprised in Class 6 or Class 7, twopence a mile.

Regulation  
as to the  
tolls.

41. The following provisions shall be applicable to the fixing of the tolls on the railway; (that is to say,)

For passengers, animals, or goods conveyed on the railway for a less distance than four miles the Company may demand and take tolls as for four miles:

In respect to passengers, every fraction of a mile beyond an integral number of miles is to be deemed a mile:

In respect of animals and goods, for a fraction of a mile beyond four miles, or beyond any greater number of miles, the Company 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 Company may demand and take toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, and ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

**42.** With respect to small packages and single articles of great weight the Company 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 hundredweight each):

Tolls for small parcels and single articles of great weight.

If not exceeding seven pounds in weight, threepence:

If exceeding seven but not exceeding fourteen pounds, five-pence:

If exceeding fourteen pounds and not exceeding twenty-eight pounds, sevenpence:

If exceeding twenty-eight pounds and not exceeding fifty-six pounds, ninepence:

If exceeding fifty-six 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 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 Company may think fit, not exceeding sixpence 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 Company may think fit.

**43.** The restriction as to charges for passengers does not extend to special trains when required by passengers, but applies only to the ordinary or express passenger or goods trains appointed by the Company.

Special trains.

**44.** In addition to the tolls and charges herein-before authorised, a reasonable charge is to be payable for the loading, covering, and unloading of goods at any station, being a terminal station, in respect of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the Company. A station is not to be considered a terminal station in respect of goods

Terminal stations.

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— unless they are received there direct from the consignor, or are directed to be delivered there to the consignee.

Passengers  
luggage.

45. Every passenger travelling on the railway may, without charge, cause to be carried in the same train with him his ordinary luggage, not exceeding the weight of one hundred and twenty pounds for a first-class passenger, one hundred pounds for a second-class passenger, and sixty pounds for a third-class passenger.

Higher  
charges by  
agreement.

46. Nothing herein contained is to prevent the Company from taking any charge over and above the charges herein-before limited for the conveyance of goods of any description by agreement with the owners of or any person in charge of such goods, either in respect of the conveyance thereof (except small packages) by passenger trains, or by reason of any other special services performed by the Company in relation thereto.

Power to run  
over other  
railways.

47. The Company and all companies and persons lawfully using the railway of the Company, or any part thereof, may run over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description, the railways following; (that is to say,)

The Cornwall Mineral and Bodmin and Wadebridge Junction Railway;

The Cornwall Minerals Railway;

together with all tramways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said railways respectively, and the respective company for the time being owning or working the railway so run over and used shall afford all requisite facilities for the purpose.

Terms and  
conditions of  
running over.

48. The terms and conditions on which the Company or such other companies as aforesaid shall be entitled to run over and use the said railways respectively, and the works and conveniences connected therewith, shall be such terms and conditions as the companies interested from time to time agree on, or as, failing agreement between them, are from time to time determined by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Tolls on rail-  
ways run  
over under  
Act by Com-  
pany.

49. The Company, or any company lawfully using the railway of the Company, may from time to time demand and take for all passengers, animals, and things conveyed by them on the said railways respectively, and for carriages, waggons, and trucks respectively conveying the same, and provided by them, and for

locomotive engines or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, rates, or other charges as by the several Acts relating to the said railways respectively are authorised to be demanded and taken for like traffic, services, and matters thereon respectively, and in like manner and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

**50.** The Company and all other companies from time to time lawfully using the Company's railway in running over or using the said railways respectively, in accordance with the provisions hereinbefore mentioned, shall at all times observe the regulations and byelaws for the time being in force on the respective railway so run over and used, so far as such byelaws shall be applicable to the Company or such other companies as aforesaid. Byelaws to be observed.

**51.** The Company on the one hand, and the Bodmin and Wadebridge Railway Company, and the Cornwall Mineral and Bodmin and Wadebridge Junction Railway Company, or either of them, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended 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 maintenance and management by the contracting companies, or any or either of them, of the railway, or any part thereof, and of the works connected therewith:

The use and working of the railway, or of any part thereof, and the interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies:

The levying, fixing, division, and apportionment of the tolls, rates, fares, charges, receipts, and revenues levied, taken, or arising from such traffic:

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

**52.** Where, under the provisions 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 tolls and charges, be Tolls on traffic conveyed partly on railway of Company and

[Ch. clxxxix.] *The Temple Mineral Railway* [37 & 38 VICT.]  
*Act, 1874.*

A.D. 1874.

partly on  
other rail-  
ways.

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 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.

Interest not  
to be paid on  
calls paid up.

53. 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 beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

54. 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.

Company or  
railway not  
exempt from  
provisions of  
present and  
future  
general Acts.

55. 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.

Expenses of  
Act.

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