

[39 & 40 VICT.]

*The East Cornwall Mineral  
Railway Act, 1876.*

[Ch. ccxl.]



**CHAPTER ccxl.**

An Act to authorise the East Cornwall Mineral Railway Company to extend their railway to the South Devon and Tavistock Railway and to Morwellham Quay on the River Tamar, and to alter the gauge and levels of their existing railway ; and for other purposes. [15th August 1876.]

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**W**HEREAS by the Callington and Calstock Railway Act, 1869, (in this Act called "the Act of 1869,") the East Cornwall Mineral Railway Company, (in this Act called "the Company,") were incorporated for making and maintaining a Railway (No. 1) from Callington to Calstock in the county of Cornwall, and a Railway (No. 2) from Railway No. 1 to the southern end of an incline to Kelly Quay on the River Tamar, the last-mentioned railway being in substitution for or an enlargement of the said incline, and were authorised to raise for the purposes of that Act £60,000 by shares and £20,000 by borrowing :

32 & 33 Vict.  
c. clii.

And whereas by the Act of 1869 the Company (section 23) were authorised to construct the railways by that Act authorised of such gauge as they might think fit, provided that the same should be not wider than 4 feet 8 inches and a half or narrower than 3 feet, and (section 24) were prohibited from running any train on the said railways at a rate of speed exceeding 16 statute miles per hour, and by the said Act (section 32) it was enacted that the said railways should not be used for the conveyance of passengers, horses, cattle, or carriages without the authority of Parliament in that behalf first had and obtained :

And whereas by the East Cornwall Mineral Railway (Deviation) Act, 1871, (in this Act called "the Act of 1871,") the Company were authorised to deviate part of the Railway No. 1 authorised by the Act of 1869, and to abandon other part of that railway, and to attach a preferential dividend to a portion of their unissued ordinary share capital :

33 & 34 Vict.  
c. xxxiii.

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And whereas the Company constructed the railways authorised by the Act of 1869, as varied by the Act 1871, on a gauge of three feet six inches, and it is expedient that the Company be authorised to convert their railways into railways on the ordinary narrow gauge of four feet eight and a half inches for the conveyance of passengers, horses, cattle, and carriages, as well as of goods and minerals, without restriction as to speed, and for or in connexion with such conversion to alter the levels of the Railway No. 1 authorised by the Act of 1869, as varied as aforesaid, and of certain roads carried over that railway by means of bridges, and to execute other works in this Act described :

And whereas it is expedient that the Company be authorised to extend their railways to the South Devon and Tavistock Railway of the South Devon Railway Company, (in this Act called "the South Devon Company,") near the Tavistock Station thereon, and to Morwellham Quay on the River Tamar, and that such extensions be constituted a separate undertaking of the Company, with a separate capital, proprietary, and borrowing powers :

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

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

And whereas the objects of this Act cannot be attained 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 East Cornwall Mineral Railway Act, 1876."

Provisions of  
certain  
general Acts  
incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares ;

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The transfer or transmission of shares ;  
 The payment of subscriptions, and the means of enforcing the  
 payment of calls ;  
 The forfeiture of shares for nonpayment of calls ;  
 The remedies of creditors of the Company against the share-  
 holders ;  
 The borrowing of money by the Company on mortgage or  
 bond ;  
 The conversion of borrowed money into capital ;  
 The consolidation of shares into stock ;  
 The giving of notices ; and  
 The provision to be made for affording access to the special Act  
 by all parties interested ;  
 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.

**3.** In this Act the several words and expressions to which mean-  
 ings are assigned by the Acts wholly or partially incorporated  
 herewith have the same respective meanings, unless there be some-  
 thing in the subject or context repugnant to such construction ;  
 the expression "the extension railways" means the Railways No. 1,  
 No. 2, and No. 3 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.

Interpreta-  
tion of terms.

**4.** The Company shall alter the gauge of their existing railways  
 and convert the same into railways of the gauge throughout of  
 four feet and eight and a half inches, and for ever hereafter main-  
 tain the same on that gauge ; and also provide rolling stock for  
 passengers, goods, cattle, horses, carriages, and other traffic for the  
 four feet and eight and a half inches gauge in substitution of the  
 present rolling stock.

Alteration of  
gauge of  
existing  
railways.

**5.** Subject to the provisions in the "Railways Clauses Consolida-  
 tion Act, 1845," and in Part I. (relating to construction of a railway)

Alteration of  
existing rails  
across certain  
roads.

A.D. 1876. of the "Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may, for the purposes of the alteration by this Act authorised of the gauge of their existing railways, carry those railways with a single line only, whilst those railways shall consist of a single line; and afterwards with a double line only, across and on the level of each of the public carriage roads in the said parish of Calstock respectively numbered 16 and 32 on the plans deposited for and referred to in the Act of 1869, (which plans are herein-after referred to as "the deposited plans of 1869,") at or near the points at which those roads are respectively crossed on the level by the existing railway of the Company.

Power to  
make works  
according to  
deposited  
plans.

6. Subject to the provisions of this Act, the Company may make and maintain, in the lines and situation and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper and sufficient bridges, viaducts, rails, sidings, turntables, stations, approaches, roads, buildings, yards, and other 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 works herein-before referred to and authorised by this Act are,—

1. An alteration in the parish of Calstock, in the county of Cornwall, of the levels of the Railway (No. 1) authorised by the Act of 1869, between the following points respectively; that is to say,

(A.) Between the bridge by which the road numbered 130 in the said parish of Calstock on the deposited plans of 1869 is carried over the said railway, and the bridge by which the said railway is carried over the road numbered on the same plans 119 in the same parish:

(B.) Between a point about three chains eastward from the bridge by which the road numbered 75 in the said parish of Calstock on the deposited plans of 1869 is carried over the said railway, and a point about thirty-one chains westward from the same bridge.

2. An alteration in the said parish of Calstock of the levels of the public carriage road numbered 90 in that parish on the deposited plans of 1869 for a distance of about two chains from and on the southern side of the centre of the bridge by which that road is carried over the Railway (No. 1) authorised by the Act of 1869, and for a distance of about three chains from and on the northern side of the same bridge, together with an alteration and raising of the said bridge.

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3. An alteration in the parish of Stoke Climsland, in the county of Cornwall, of the levels of the public carriage road numbered 65 in that parish, on the deposited plans of 1869 for a distance of about two chains from and on the southern side of the centre of the bridge by which that road is carried over the Railway (No. 1) authorised by the Act of 1869, and for a distance of about three chains from and on the northern side of the same bridge, together with an alteration and raising of the said bridge.
4. A Railway (No. 1), two miles one furlong eight chains and forty links in length, commencing in the parish of Calstock aforesaid by a junction with the Railway (No. 1) authorised by the Act of 1869, and terminating in the parish of Tavistock, in the county of Devon, near Goaten Farm.
5. A Railway (No. 2), four miles seven furlongs and three chains in length, commencing by a junction with the Railway (No. 1) by this Act authorised at its termination, and terminating in the parish of Tavistock aforesaid by a junction with the South Devon and Tavistock Railway of the South Devon Company near the Tavistock Station thereon.
6. A Railway (No. 3), one mile one furlong eight chains and twenty links in length, commencing in the parish of Tavistock aforesaid by a junction with the Railway (No. 2) by this Act authorised at its commencement and terminating in the same parish on the lower or eastern quay or wharf at Morwellham on the River Tamar.

7. The alteration of the gauge and other works, and the providing of new rolling stock by the Company under this Act, shall be commenced at such time as may be necessary to complete the same; using all due diligence simultaneously with the completion and opening of Railways No. 1 and No. 2 by this Act authorised.

Alteration of gauge, &c. to be made simultaneously with extension railways.

8. Nothing contained in this Act shall extend to authorise the Company to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said duchy, or of such other persons as may be duly authorised under the provisions of "The Duchy of Cornwall Management Act, 1863," section thirty-nine, to exercise all or any of the rights, powers, privileges, and authorities by the said Act made exerciseable, or otherwise for the time being exerciseable in relation to the said duchy, or belonging to the Duke of Cornwall

Saving the rights of the Duchy of Cornwall.

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for the time being, without the consent of such duke, testified in writing under the seal of the Duchy of Cornwall, first had and obtained for that purpose, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

Separate undertaking of the Company constituted.

Power to Company to raise additional capital.

Name of separate capital and shares therein.

Application and revenue of the separate capital.

**9.** The extension railways shall form a separate undertaking of the Company.

**10.** The Company may, for the purposes of this Act, from time to time raise additional capital not exceeding in the whole two hundred thousand pounds.

**11.** The capital to be so created shall be a separate capital, and shall be called "the extensions capital," and the shares in that capital shall be called "extension shares."

**12.** The extensions capital shall be applied exclusively for the purposes of the works by this Act authorised (including the alteration of the gauge of the Company's existing railways), and for the alteration of the existing rolling stock of the Company rendered necessary by the alteration of the gauge of their existing railways, and for the providing of additional rolling stock, and for other the purposes of this Act, and shall be entitled to the net profits applicable to dividend as herein defined of the extension railways, and shall not be entitled to participate in the profits applicable to dividend of any other part of the undertaking of the Company: Provided always, that the Company shall not apply any part of the extensions capital for the purposes of the alteration of the gauge of the Company's existing railways, or of altering or providing rolling stock, unless and until not less than one half of such capital shall have been expended in or about the construction of the extension railways.

As to proportion of general expenses to be charged to separate undertaking.

**13.** Before creating any extensions capital under this Act, the Company shall resolve and determine what proportion of the general expenses of the Company or what annual or other sum in lieu thereof shall be paid and borne out of the revenue by this Act assigned to that capital, and the same shall thenceforth be paid accordingly out of that revenue. The receipts to be derived from and the expenses to be occasioned by or to arise in connexion with the exercise by the Company of any running powers which they may under this Act have over the railways of any other companies shall be deemed to be receipts and disbursements on account of the extension railways and of the extensions capital.

14. The Company shall keep separate accounts of all receipts and payments from, for, or on account of the extension railways, and on account of the exercise by them of such running powers as aforesaid, and of all or any rebates payable to the Company by any other company under or by virtue of any agreement for the use or working by such other company of the existing railways of the Company, and of the extension railways, or either of them, or any part or parts thereof; of such rebates two thirds shall be deemed to be receipts on account of the extension railways, and one third shall be deemed to be receipts on account of such existing railways. The balance of the gross receipts on account of the extension railways (including all moneys herein-before declared to be receipts on account of those railways) which shall remain after deducting the proportion of the expenses of management and other general expenses of the Company, or (as the case may be) the sum payable in lieu thereof as aforesaid, and after deducting the expenses occasioned by or arising in connexion with the exercise by the Company of the running powers aforesaid, and after deducting also all interest on borrowed money for the time being secured upon or attaching to the extension railways, and all rates, rents, and taxes payable in respect of those railways, and all other payments properly chargeable against the receipts on account of those railways, shall be the profits applicable to dividend on the extensions capital.

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Separate  
accounts to  
be kept of  
extension  
railways.

15. Provided always, that after the opening of the extension railways for public traffic, and the alterations of gauge of the existing railways, and the providing of the new rolling stock as herein-before provided, the Company will work the extension railways and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the extension railways. In case any difference shall arise between the Company and any of the holders of extension shares with respect to the working or non-working or insufficient working by the Company of the extension railways, or otherwise in relation thereto, whereby the holders of extension shares deem themselves to be injuriously affected, such difference shall be settled by the Railway Commissioners, and the Commissioners shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as the Commissioners shall think fit, and to make such order with respect to the costs of such arbitration as the Commissioners shall think just. In case the Company make default in complying with any of the requirements of any such order within

For efficient  
working of  
extension  
railways.

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the time thereby prescribed, then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty for every day (after the first) during which such default shall continue.

As to right  
of voting.

**16.** Shares and stock in the extensions capital shall not confer on the holders thereof any right of voting or interference at any meeting of the Company on the general affairs of the Company excepting for the election of directors, and in any matters affecting the said shareholders and stockholders, for both which purposes those shareholders and stockholders shall have the same right of voting as the shareholders and stockholders in the general capital of the Company; nor, on the other hand, shall it be lawful for the holders of shares or stock in the general capital of the Company to interfere in the construction of the extension railways, or in the expenditure thereon, or in any other matters affecting those railways, excepting in so far as those matters immediately affect the general interests of the Company: Provided always, that the holder of any share in the extensions capital shall not be entitled to vote in respect thereof at any meeting of the Company on any matter not relating to the construction of the extension railways unless and until fifty per centum shall have been paid up on account of the respective share.

Shares not  
to issue  
until one  
fifth paid up.

**17.** The Company shall not issue any share or stock created under this Act of a less nominal value than ten pounds, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of the share be paid in respect thereof; nothing in this Act shall authorise the Company to issue any stock until the same be fully paid up.

Calls.

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

Receipt for  
persons not  
sui juris.

**19.** If any money is payable to a shareholder, being an infant or lunatic, the receipt of his guardian or of the committee of his estate shall be a sufficient discharge to the Company.

Power to  
divide  
shares.

**20.** Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the holders of extension shares present in person or by proxy at a meeting of such shareholders specially convened for the purpose, may from time to time divide any share created under the authority of this Act into half shares, of which one shall be called "preferred half share" and the



other shall be called "deferred half share," but no such share shall be so divided under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

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**21.** 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 meeting of the holders of extension shares 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 half  
shares.

**22.** Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it 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.

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

**23.** 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 shall 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.

Half shares  
to be regis-  
tered and  
certificates  
issued.

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

Terms of  
issue to be  
stated on  
certificates.

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Forfeiture  
of preferred  
shares.

**25.** 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.

Preferred  
shares not to  
be cancelled  
or sur-  
rendered.

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

Half shares  
to be half  
shares in  
extension  
capital.

**27.** The several half shares under this Act shall be half shares in the extensions capital, 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.

Power to  
borrow  
on mortgage.

**28.** The Company may, in respect of the extensions capital of two hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum or sums not exceeding in the whole sixty-six thousand six hundred and sixty pounds, and the same shall be borrowed upon mortgage of that part of their undertaking, the tolls, profits, income, and revenue of which are assigned to the extensions capital; but no money shall be so borrowed as aforesaid in respect of the extensions capital until shares for so much of that capital as is to be raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be,

were issued and accepted, 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, which shall be sufficient evidence thereof. A.D. 1876.

**29.** The mortgages from time to time granted by the Company under this Act shall affect only the extension railways and the tolls, profits, income, and revenue assigned as aforesaid to the extensions capital. Mortgages under this Act to affect only separate undertaking.

**30.** No mortgage granted by the Company under the provisions of this Act shall give to the mortgagee any claim or right against any assets of or shareholders of the Company other than the assets of and the shareholders in the particular undertaking comprised in such mortgage. Mortgages under this Act to give right only against assets, &c. of certain undertaking.

**31.** The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the tolls, income, and revenue included in their mortgages. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagee by whom the application for a receiver is made shall not be less than five thousand pounds in the whole. Arrears may be enforced by appointment of receiver.

**32.** The Company, in lieu of granting mortgages under this Act, 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 under this Act shall rank pari passu with the interest of all mortgages at any time granted by the Company under this Act, and shall have priority over all principal moneys secured by such mortgages. Power to create debenture stock.

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

**34.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Lands for extraordinary purposes.

A.D. 1876. Railways Clauses Consolidation Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

**35.** 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.

Power to deviate from line of works other than railway.

**36.** The Company, in constructing the works other than the railways by this Act authorised, may deviate from the line of the works laid down on the deposited plans to any extent within but to no greater extent than the limits delineated in that behalf in the case of the respective works upon the said plans, and the Company may deviate vertically from the levels of the said works to any extent not exceeding five feet either upwards or downwards.

Inclination of roads.

**37.** In altering for the purposes of this Act the roads next hereinafter mentioned, the Company may either make the same of any inclinations in accordance with the provisions of "The Railways Clauses Consolidation Act, 1845," or may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Rail-way.	Number on deposited Plan.	Parish.	Description of Road.	Intended inclination.
No. 1	38 36 53	Calstock -	Public carriage road	1 in 16 on one side, and 1 in 30 on the other side.
		Calstock -	Public carriage road	1 in 6 on one side, and 1 in 16 on the other side.
		Tavistock -	Public carriage road	1 in 8.
No. 2	12 26	Tavistock -	Public carriage road	Level on one side, and 1 in 10 on the other side.
		Tavistock -	Public carriage road	1 in 15 on one side, and 1 in 20 on the other side.
No. 3	62 51	Whitchurch	Public carriage road	1 in 12 on one side, and level on the other side.
		Tavistock -	Public carriage road	1 in 8.
No. 3	131	Tavistock -	Public carriage road	1 in 8.

Height and span of bridges.

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

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Railway.	Number on deposited Plan.	Parish.	Description of Road.	Height.	Span.
No. 1	38 36	Calstock -	Public carriage road -	feet. 15	feet. 15
		Calstock -	Public carriage road -	15	15
No. 2	53 62	Tavistock -	Public carriage road -	15	15
		Tavistock -	Public carriage road -	15	15
No. 3	66 131	Whitchurch -	Turnpike road -	16	30
		Tavistock -	Public carriage road -	15	15

**39.** 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,)

Widths of certain roadways.

Railway.	Number on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
No. 1	21	Calstock -	Public carriage road -	feet. 15
No. 2	26 50 51	Tavistock -	Public carriage road -	15
		Whitchurch -	Public carriage road -	15
		Whitchurch -	Public carriage road -	12

**40.** The junction of Railway No. 2 with the South Devon and Tavistock Railway shall be made only at such point on the last-mentioned railway within the limits of deviation for Railway No. 2 as shall be agreed upon between the Company and the South Devon Company, or as in case of difference shall (having regard to the safe and convenient working of the lines and station, and to the requirements for working the traffic of the respective companies and the convenience of the public) be determined by an independent engineer to be appointed on the application of either company by the Board of Trade.

As to junction with South Devon and Tavistock Railway.

**41.** The Company shall not, without the consent in writing of the South Devon Company, (except for the purpose of forming the junction with the South Devon and Tavistock Railway as herein-before mentioned,) enter upon, take, or use any land belonging to the South Devon Company, or any part which the South Devon Company may for the time being have power to acquire of the lands numbered consecutively on the deposited plans 91 to 103 both inclusive in the parish of Tavistock: Provided always, that this and

Certain lands not to be taken without consent of South Devon Railway Company.

A.D. 1876. the last preceding section are in addition to and not in substitution for the provisions of "The Railways Clauses Act, 1863," with respect to junctions.

Period for  
completion  
of works.

**42.** If the works by this Act authorised are 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 same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Railway  
deposit  
money not  
to be repaid  
until railway  
opened, &c.

**43.** 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 eight thousand five hundred and thirty-four pounds three per centum consolidated bank annuities, being at the price at which the same were purchased, more than equal to five per centum upon the amount of the estimate in respect of the extension railways and of the other works by this Act authorised, has been transferred into the name of Her Majesty's Paymaster General on account of the Chancery Division of Her Majesty's High Court of Justice in respect of the application to Parliament for this Act; and whereas the estimate for the extension railways amounts to one hundred and forty thousand pounds, five per centum upon which sum amounts to seven thousand pounds, and is represented by the sum of seven thousand four hundred and sixty-eight pounds, part of the said sum of eight thousand five hundred and thirty-four pounds annuities transferred as aforesaid: Be it enacted, notwithstanding anything contained in the said Act, that of the said sum of annuities so transferred as aforesaid, the said sum of seven thousand four hundred and sixty-eight pounds (which portion of the sum so transferred as aforesaid, with the proceeds thereof, is in this Act referred to as the "railway deposit money") shall not be 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 extension railways either open those railways for the conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the said sum of one hundred and forty thousand pounds, part of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of the extension railways a sum equal in amount to such one half of the said part of the said capital; and if the said period shall expire before the Company shall either have

opened the extension railways for the conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the railway deposit money 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.

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44. The railway deposit money 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 extension railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the extension railways 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 Chancery Division of Her Majesty's High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the deposit money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division of Her Majesty's High Court of Justice 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 deposit money 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.

Application  
of deposit.

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Release of  
balance of  
money de-  
posited.

45. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor, by petition in a summary way at any time upon the passing of this Act, the Chancery Division of Her Majesty's High Court of Justice may and shall order that the balance of the annuities so transferred as aforesaid over and above the said sum of seven thousand four hundred and sixty-eight pounds, and the interest and dividends thereof respectively, shall be transferred and paid to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Tolls.

46. The Company may demand and take in respect of the use of the extension railways any tolls not exceeding the following; that is to say,

In respect of passengers, horses, cattle, and carriages conveyed on the railways :

For every passenger conveyed in or upon any carriage on the railways twopence per mile ; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny halfpenny per mile :

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 railways threepence per mile ; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile :

For every calf, or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage one penny per mile ; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one halfpenny per mile :

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, sixpence a ton per mile, and for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh twopence a ton per mile ; and if conveyed on a truck or platform belonging to the Company, an additional sum of twopence per mile :

For locomotive engines supplied by the Company they may take any tolls not exceeding for every such passenger, or animal, or carriage, one penny per mile.



In respect of goods conveyed on the railways—

CLASS 1. For all lime, limestone, coals, coke, culm, charcoal, and cinders, sand, oreweed, dung, compost, and all sorts of manure, building stone, freestone, granite, and all undressed materials for the repair of roads and highways, and all stones for building, pitching, and paving, clay, copper, copper ore, tin, tin ore, lead, lead ore, iron, iron stone, iron ore, antimony, manganese, and all other ores, metals, minerals and semi-metals, wrought and cast iron, bricks, tiles, slate, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, per ton per mile not exceeding one penny halfpenny; and if conveyed in carriages belonging to the Company, or to any other company from time to time working the railways under any contract with the Company, an additional sum per ton per mile not exceeding three farthings, and if propelled by an engine belonging to the Company, or to any other company so working the railways, a further sum per ton per mile not exceeding three farthings :

CLASS 2. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, or to any other company so working the railways, an additional sum per ton per mile not exceeding one penny, and if propelled by an engine belonging to the Company, or to any other company so working the railways, a further sum per ton per mile not exceeding one penny :

CLASS 3. For all cotton and other wools, drugs, manufactured goods, and all other wares, per ton per mile not exceeding fourpence, and if conveyed in carriages belonging to the Company, or to any other company so working the railways, an additional sum per ton per mile not exceeding one penny, and if propelled by an engine belonging to the Company, or to any other company so working the railways, a further sum per ton per mile, not exceeding one penny.

47. The maximum rates of charges made by the Company with respect to passengers and animals conveyed on the extension railways shall not exceed the sums following; (that is to say,)

Maximum  
charges for  
passengers  
and animals.

For each passenger conveyed in a first-class carriage, threepence per mile :

For each passenger conveyed in a second-class carriage, twopence per mile :

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For each passenger conveyed in a third-class carriage, one penny per mile :

For every horse or other animal classified therewith, fourpence per mile :

For every sheep or other animal classified therewith, twopence per mile.

Maximum  
charges for  
goods.

**48.** The maximum rate of charge to be made for the conveyance of goods on the extension railways, including the tolls for the use of the railways and of carriages, and for locomotive power, and every other expense incidental to such conveyance, (except a reasonable sum for loading, covering, and unloading of goods at any terminal station of such goods, and for delivery and collection and any other services incidental to the business or duty of a carrier where such services or any of them are performed by the Company or any other company so working the extension railways as aforesaid,) shall not exceed the amounts following ; (that is to say,)

For coals one penny halfpenny per ton per mile, and for other matters mentioned under Class 1, threepence per ton per mile :

For the matters mentioned under Class 2, fourpence per ton per mile :

For the matters mentioned under Class 3, fivepence per ton per mile :

For any carriage not weighing more than one ton sixpence per mile, and if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton above two tons.

Regulations  
as to the  
tolls by  
this Act  
authorised.

**49.** The following provisions shall be applicable to the fixing of the tolls by this Act authorised to be taken on the extension railways ; (that is to say,)

For passengers, goods, minerals, articles, animals, or carriages 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, 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: A.D. 1876.

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

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

**50.** With respect to small packages and single articles of great weight conveyed on the extension railways, notwithstanding the rate of tolls prescribed by this Act, the Company may demand tolls not exceeding the following; (that is to say,)

Tolls for  
small parcels  
and single  
articles of  
great  
weight.

For the carriage of small parcels on the railways or any part thereof respectively, as follows:

For any parcel not exceeding seven pounds in weight, three-pence:

For any parcel not exceeding fourteen pounds in weight, five-pence:

For any parcel not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel not exceeding fifty-six pounds in weight, nine-pence:

And for parcels exceeding fifty-six pounds in weight, but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit:

Articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any sum not exceeding one shilling per ton per mile; and if conveyed in or upon a carriage belonging to the Company, or to any other company from time to time working the railways under any contract with the Company, an additional sum per ton per mile not exceeding fourpence, and if propelled by an engine belonging to the Company, or to any other company so working the railways, a further sum per ton per mile not exceeding threepence.

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber, stone, or other single

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article, the weight of which with the carriage shall exceed eight tons, the Company may demand such sum as they shall think fit.

Special  
trains.

**51.** 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.

Passengers  
luggage.

**52.** 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.

Terminals.

**53.** In addition to the tolls and charges herein-before authorised, the Company may demand and take a reasonable charge for the loading, covering, and unloading of animals and carriages, goods, and minerals at any station being a terminal station in respect thereof, 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, and a further charge not exceeding one shilling per ton for all goods and minerals conveyed over the Kelly Incline belonging to the Company.

Terminal  
station.

**54.** A station is not to be considered a terminal station in respect of animals or carriages, goods or minerals, unless they are received there direct from the consignor or are directed to be delivered there to the consignee.

Higher  
charges by  
agreement.

**55.** Nothing herein contained is to prevent the Company from taking any charge over and above the charges herein-before limited for the conveyance of animals or carriages by agreement with the owners of or any person in charge thereof, either in respect of the conveyance thereof by passenger trains or by reason of any other special services performed by the Company in relation thereto.

Company to  
take tolls  
authorised  
by Act of  
1869 until  
gauge of  
existing  
railways  
altered, &c.

**56.** Nothing in this Act contained shall prevent the Company from demanding and taking in respect of the railways authorised by the Act of 1869 the tolls and charges by that Act authorised for the conveyance over those railways of minerals, goods, small parcels, packages, and articles of great weight, and for propelling power, until the gauge of those railways shall have been altered under the powers of this Act, and the extension railways shall have been opened for public traffic and rolling stock provided as herein-before provided.

**57.** When and so soon as the gauge of the railways authorised by the Act of 1869 shall have been altered and rolling stock provided as herein-before provided as by this Act authorised, and the extension railways shall have been opened for public traffic, section 24 (with respect to the speed of trains), and section 32 (prohibiting the conveyance of passengers, horses, cattle, or carriages), and sections 27 to 31, both numbers inclusive (with respect to the tolls and charges to be taken by the Company for the conveyance of minerals, goods, small parcels, packages, and articles of great weight, and for propelling power upon their railways authorised by the Act of 1869, and with respect to the regulations as to the said tolls), of the Act of 1869, are by this Act repealed; and the Company may thereafter demand and take for the use of the railways authorised by the Act of 1869, and of the Kelly Incline, such and the like tolls as by this Act they are authorised to demand and take for the use of the extension railways and of the Kelly Incline, and the provisions of the preceding sections of this Act shall apply accordingly.

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Tolls for  
existing  
railways  
after  
extension  
railways  
opened.

**58.** The Company and the South-western Company may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into and rescind agreements with respect to the following purposes, or any of them; (that is to say,)

Traffic ar-  
rangements  
with London  
and South-  
western  
Railway  
Company.

The working, use, management, and maintenance of their respective railways and works, or any part or parts thereof respectively:

The management, regulation, interchange, collection, transmission, and delivery of traffic upon or coming from or destined for their respective railways:

The supply and maintenance of engines, stock, and plant, and of the employment of officers and servants for the conduct of traffic:

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, income, and profits arising from their respective railways and works, or any part thereof.

**59.** During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of the Company, or any part thereof, by the South-western Company, the railways of the two companies shall, for the purposes of short distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the South-western Company, for a less distance

Tolls on  
traffic con-  
veyed partly  
on the rail-  
way and  
partly on  
railways of  
London and  
South-  
western  
Railway  
Company.

A.D. 1876. — than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railways of the South-western Company.

Interest not  
to be paid  
on calls  
paid up.

**60.** 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.

**61.** 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.

Railway not  
exempt from  
provisions of  
present and  
future  
general  
Acts.

**62.** 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.

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