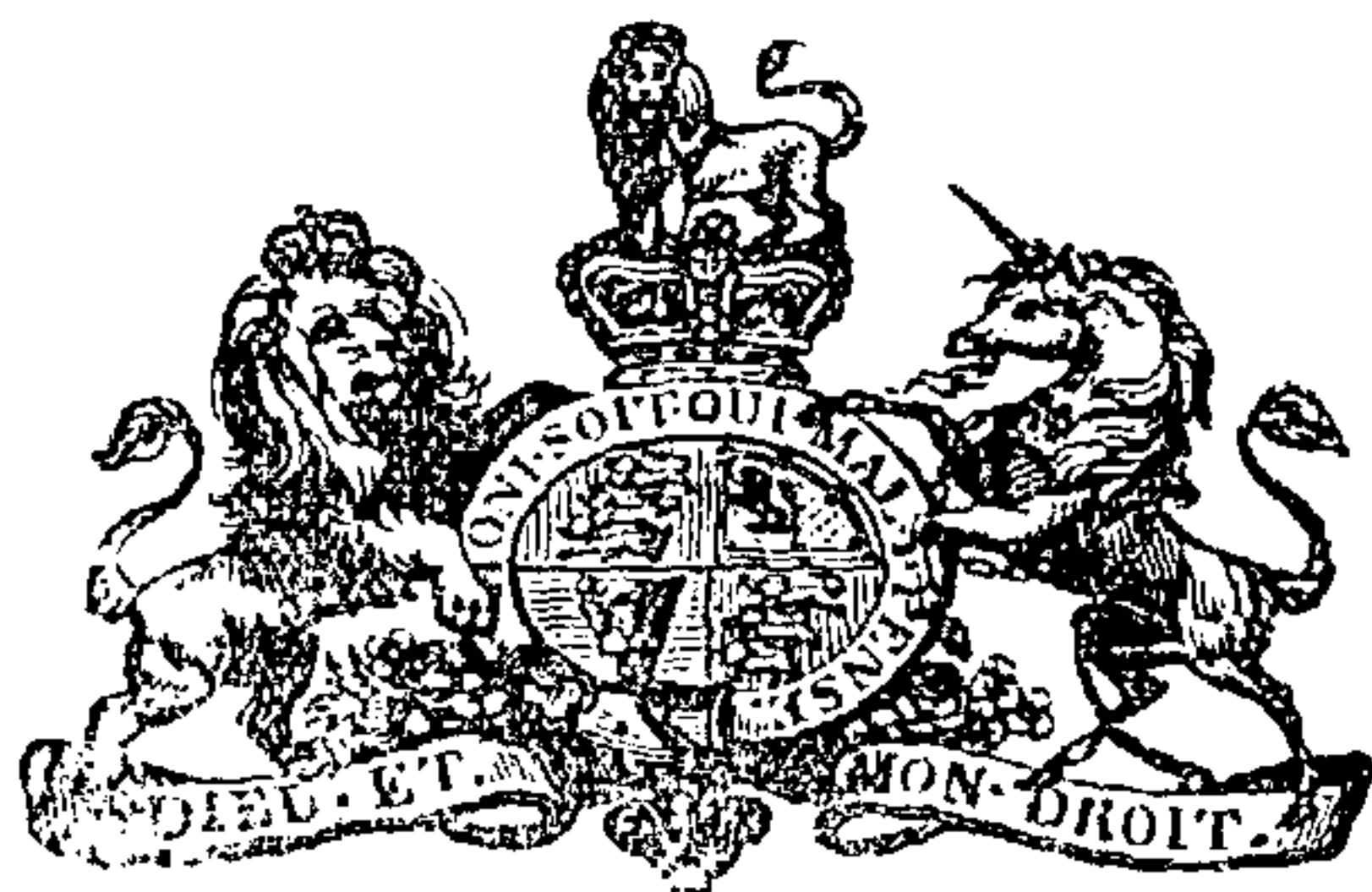




CHAPTER ccxxviii.

An Act for incorporating the Devon and Cornwall Central A.D. 1882.
Railway Company and for other purposes.

[18th August 1882.]

WHEREAS the construction of the railways herein-after described from the Great Western and London and South-western Railways near Lydford to the East Cornwall Mineral Railway and to Callington would be of public and local advantage :

And whereas the several persons herein-after named with others are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the company so to be incorporated (herein-after referred to as "the Company") and any company or persons for the time being working or using the railways of the Company be empowered to run over and use the parts of railways and stations herein-after in that behalf mentioned :

And whereas by the Callington and Calstock Railway Act 1869 32 & 33 Vict.
(in this Act called "the Act of 1869") the Callington and Calstock c. clii.
Railway Company now the East Cornwall Mineral Railway Company
(herein-after called "the East Cornwall Company") were incorporated and were authorised to construct certain railways in the county of Cornwall which (with a certain deviation railway authorised by the East Cornwall Mineral Railway (Deviation) Act 1871) 34 & 35 Vict.
were long since opened for traffic but have been constructed upon c. xxxiii.
the gauge of three feet six inches :

And whereas by the Act of 1869 the East Cornwall Company were prohibited (section 24) from running any train on their railways at a rate of speed exceeding sixteen statute miles per hour and it was enacted (section 32) that the said railways should not be used for the conveyance of passengers horses cattle or carriages without the further authority of Parliament :

And whereas by the East Cornwall Mineral Railway Act 1876 39 & 40 Vict.
the East Cornwall Company were required to alter the gauge of c. ccxi.

A.D. 1882. — their railways to that of four feet eight and a half inches and to provide rolling stock on that gauge and were authorised (section 6) to alter the levels of parts of their railways and of certain public roads over the same and to extend their railways to the South Devon and Tavistock Railway near Tavistock Station and to Morwellham Quay on the River Tamar and it was provided that when the gauge of the East Cornwall Company's railways had been altered and rolling stock provided as aforesaid and the extension railways had been opened for traffic sections 24 and 32 of the Act of 1869 should be repealed :

And whereas the East Cornwall Company have not altered the gauge of their railways as required by the Act of 1876 :

42 & 43 Vict.
c. lii. And whereas by the East Cornwall Mineral Railway Act 1879 the East Cornwall Company were authorised and required to abandon the whole of the works authorised by section 6 of their Act of 1876 :

And whereas the East Cornwall Company and the Company have entered into an agreement (herein-after referred to as "the scheduled agreement") a copy of which is set forth in the schedule to this Act for the sale of the undertaking of the East Cornwall Company to the Company and it is expedient that the said agreement should be confirmed and carried into effect :

And whereas it is expedient that the levels of the railways of the East Cornwall Company should be altered and that the gauge thereof should also be altered to that of the ordinary narrow gauge or additional rails laid down on the said railways so as to admit of the passage over the same of engines and carriages on the ordinary narrow gauge and that the powers in that behalf herein-after contained should be conferred upon the Company and that sections 24 and 32 of the Act of 1869 should be repealed :

And whereas it is expedient that the Company and the London and South-western Railway Company herein-after in that behalf mentioned be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the lines and levels of the railways and other works authorised by this Act and books of reference to the plans 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 purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted A.D. 1882.
 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 :—

1. This Act may be cited as the Devon and Cornwall Central Short title.
 Railway Act 1882.

2. The Companies Clauses Consolidation Act 1845 Part I. Incorporation of Acts.
 (relating to cancellation and surrender of shares) and Part III. 8 & 9 Vict. c. 16.
 (relating to debenture stock) of the Companies Clauses Act 1863 the 26 & 27 Vict.
 Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways c. 118.
 Clauses Consolidation Act 1845 and Part I. (relating to construction 8 & 9 Vict. c. 18.
 of a railway) and Part III. (relating to working agreements) and 23 & 24 Vict.
 Part V. (relating to amalgamation) of the Railways Clauses Act c. 106.
 1863 as amended by the Regulation of Railways Act 1873 are 32 & 33 Vict.
 (except where expressly varied by this Act and subject to the pro- c. 18.
 visions of this Act and of the scheduled agreement) incorporated 8 & 9 Vict. c. 20.
 with and form part of this Act. 26 & 27 Vict.
c. 92.
36 & 37 Vict.
c. 48.

3. In this Act the several words and expressions to which Interpreta-
 meanings are assigned by the Acts wholly or partially incorporated tion.
 herewith have the same respective meanings unless there be some-
 thing in the subject or context repugnant to such construction The
 expression "the railways" means the railways by this Act autho-
 rised the expression "the undertaking" means the undertaking of
 the Company the expression "the East Cornwall Undertaking"
 means the undertaking of the East Cornwall Company as defined or
 described in the scheduled agreement 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.

4. John Kempthorne, John Peter, William Wenmouth Dymond Company
 and all other persons and corporations who have already subscribed incorporated.
 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 railways and for other the purposes of
 this Act and for those purposes shall be and are hereby incorporated
 by the name of "The Devon and Cornwall Central Railway Company"
 and by that name shall be a body corporate with perpetual succession

A.D. 1882. — and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings bridges viaducts rails roads buildings yards 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 railways herein-before referred to and authorised by this Act will be situate in the counties of Devon and Cornwall and are—

A railway (Number 1) three furlongs one chain and thirty links or thereabouts in length commencing in the parish of Mary Tavy in the county of Devon by a junction with the Launceston and South Devon Railway of the Great Western Railway Company near Lydford Station and terminating at a point in the parish of Lamerton in the county of Devon;

A railway (Number 2) one mile one chain and seventy-five links or thereabouts in length commencing in the parish of Mary Tavy in the county of Devon by a junction with the London and South-western Railway (herein-after called the South-western Railway) and terminating in the parish of Lamerton in the same county at or near the point of termination of the Railway Number 1 by this Act authorised;

A railway (Number 3) eleven miles two furlongs four chains and eighty links or thereabouts in length commencing in the parish of Lamerton in the county of Devon by junctions with the Railways Number 1 and Number 2 by this Act authorised at their common point of termination and terminating in the said parish of Calstock by a junction with the lines on the ordinary narrow gauge of four feet eight and a half inches of which the East Cornwall Mineral Railway will consist when altered under the powers of this Act;

A railway (Number 4) one mile two furlongs and one chain or thereabouts in length commencing in the parish of Stoke-climsland in the county of Cornwall by a junction with the lines on the ordinary narrow gauge of four feet eight and a half inches of which the East Cornwall Mineral Railway will consist when altered under the powers of this Act and terminating in the parish of Callington in a field abutting on the public road leading from Callington to Tavistock which field abuts towards

the west on the houses opposite the county police station at Callington ; A.D. 1882.

An alteration in the parish of Calstock aforesaid of the levels of the Railway Number 1 authorised by the Act of 1869 between a point about three chains eastward from the bridge by which the road numbered 75 in the said parish of Calstock on the plans of 1869 is carried over the said railway and a point about thirty-one chains westward from the same bridge ;

An alteration in the said parish of Calstock of the levels of the public carriage road numbered 90 in that parish on the 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 Number 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 ;

An alteration in the parish of Stokeclimsland in the county of Cornwall of the levels of the public carriage road numbered 65 in the last-mentioned parish on the 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 Number 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.

6. The Company shall at their own cost put a siding from the Railway Number 3 into the granite quarry situate at Gunnislake belonging to Edward Story provided that the said Edward Story shall furnish the land for that purpose free of cost to the Company. For the protection of Edward Story.

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

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

A.D. 1882.

Construction
of railway
on land
of Great
Western
Company.

Company to
pay to Great
Western
Company
the expenses
of watchmen
during con-
struction of
works.

Damages
sustained by
Great
Western
Company to
be repaid.

for the time being of the Institution of Civil Engineers and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed as herein-after provided;

(2.) In constructing the railways or either of them by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate more than fifty yards from the centre line on either side shown on the deposited plans where the Railway Number 2 crosses over the railway of the Great Western Company without the previous consent in writing of that company under their common seal and the said Railway Number 2 where the same is intended to cross the railway of the Great Western Company shall be carried over that railway and works by means of a girder bridge of one span of not less than forty-five feet measured on the square and a clear headway of not less than sixteen feet high and such crossing of the railway and works of the Great Western Company shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever;

(3.) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railway by this Act authorised over under and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise;

(4.) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise by reason of the intended works or in connexion therewith during the execution thereof or by reason of the failure of any of the intended works or of any act default or omission of the Com-

pany or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission ;

A.D. 1882.

- (5.) The Company shall at their sole expense and at all times maintain the bridge and other works by which the said Railway Number 2 above described and by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency without any notice being required the Great Western Company may make and do in and upon as well the land of the Company as their own land all such works and things as shall be requisite in that behalf for ensuring such repair and the sum from time to time reasonably named in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction ;
- (6.) In constructing and maintaining the railways by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue ;
- (7.) Except for the purposes of constructing and maintaining the railways and works by this Act authorised the Company shall not take or acquire any rights over any land of the Great Western Company and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any of the works thereof further or otherwise than is necessary for the construction of the said railways and works by this Act authorised without the consent in writing in every instance

Maintenance
of works
affecting
railway of
Great
Western
Company.

Not to inter-
fere with
traffic on
railway
of Great
Western
Company.

No land
of Great
Western
Company to
be taken,
except for
certain
works.

A.D. 1882.

Construction
of junction. ;

for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and take and the Great Western Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and should any arbitrator appointed as herein-after provided decide that it will be necessary for the Great Western Company to alter or extend their lines of rails at Lydford Station to admit of the junction being made or in consequence thereof the Company shall repay to the Great Western Company all costs charges and expenses which they may have incurred or been put to in consequence of such alterations or incident thereto and the Great Western Company may at any time or times hereafter should it be necessary for them to do so alter or remove the junction by this Act authorised with their railway and substitute a new junction or junctions as the case may be therefor but so as such alteration or renewal or substituted junction or junctions as the case may be shall not stop the traffic of Railway Number 1 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith ;

Arbitration.

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

Saving
rights of
Great
Western
Company.

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

Power to
deviate from
lines and
levels on

8. In making the railways and other works by this Act authorised the Company may deviate from the lines thereof as shown on the deposited plans to any extent within the limits of deviation

shown on those plans and may deviate from the levels thereof to any extent not exceeding five feet upwards and downwards.

A.D. 1882.

plans and
sections.

9. The capital of the Company shall be two hundred and seventy thousand pounds in twenty-seven thousand shares of ten pounds each.

Capital.

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

Shares not
to be issued
until one-
fifth paid.

11. One-fifth 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.

Calls.

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

Receipt in
case of
persons not
sui juris.

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

Power to
divide
shares.

14. 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 half
shares.

A.D. 1882.

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

15. 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.

16. 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.

Terms of issue to be stated on certificates.

17. 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.

Forfeiture of preferred shares.

18. 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 surrendered. Half shares to be half shares in capital.

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

20. 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.

21. The Company may from time to time in respect of their capital of two hundred and seventy thousand pounds by this Act authorised borrow on mortgage any sums not exceeding in the whole ninety thousand pounds and of that sum they may borrow not exceeding in the whole forty-five thousand pounds in respect of each one hundred and thirty-five thousand pounds of the said capital but no part of any such sum of forty-five thousand pounds shall be borrowed until the whole one hundred and thirty-five thousand pounds of capital in respect of which it is to be borrowed 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 fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of 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 in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were 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 Provided that the Company shall not exercise any of the powers of borrowing money conferred on the East Cornwall Company by any of the Acts relating to that company.

A.D. 1882.

Power to
borrow.

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

For appoint-
ment of a
receiver.

23. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this and any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without regard to the date of the securities or of the Acts of

Debenture
stock.

A.D. 1882. — Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys. **24.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting. **25.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors. **26.** The number of directors shall be six but the Company may from time to time reduce and again increase the number of directors but so that the number shall be never less than four nor more than six.

Qualification of directors. **27.** The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum. **28.** The quorum of a meeting of directors shall be three.

First directors. **29.** John Kempthorne, John Peter, William Wenmouth Dymond and three other duly qualified persons to be nominated by them or the majority of them and consenting to the nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extra-ordinary purposes. **30.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

Period for compulsory purchase of lands. **31.** 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.

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

A.D. 1882.
Inclination
of roads.

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 3.			
147	Calstock - - -	Public - - -	1 in 15
130	Calstock - - -	Public - - -	1 in 8½

33. 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 ease-
ments &c. by
agreement.

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

Notice to be
given of
taking
houses of
labouring
classes.

35. The Company may from time to time if and when they think
fit appropriate any lands acquired by them under the powers of this
Act and which may not be required for the railways and works for
the purpose of the erection of dwelling-houses or buildings for
persons belonging to the labouring classes whose dwellings may be
required for the works by this Act authorised and before displacing
any person or persons belonging to the labouring classes who may
for the time being be the occupier or occupiers of any house or part
of any house which the Company are by this Act authorised to
acquire the Company shall procure sufficient accommodation else-
where for such person or persons unless the Company and such

Power for
Company to
appropriate
land for the
erection of
dwelling-
houses for
the labouring
classes.

A.D. 1882. person or persons otherwise agree Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice.

Deposit
money not
to be repaid
except so
far as rail-
way is
opened.

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 nine thousand four hundred and twenty-eight pounds three pounds per centum consolidated bank annuities being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

37. If the Company do not previously to the expiration of the period limited for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have

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been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the 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 deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

38. If the railways 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.

Period for
completion
of works.

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

Tolls for
passengers
animals, &c.

In respect of passengers and animals conveyed on the railways—

Class 1. For every person conveyed in a first-class carriage per mile twopence ;

Class 2. For every person conveyed in a second-class carriage per mile one penny halfpenny ;

Class 3. For every person conveyed in a third-class carriage per mile one penny ;

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence ;

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 —

Class 5. For every ox cow bull or head of neat cattle conveyed in or upon any carriage per mile one penny halfpenny ;

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny ;

In respect of goods conveyed on the railways—

Class 7. For all coals coke culm slack cannel cinders lime limestone sand clay (except fire-clay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny ;

Class 8. For all pig iron bar iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise undressed stones for building pitching and paving bricks tiles common slates fire-clay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny ;

Class 9. For all sugar grain corn flour potatoes guano and artificial manures hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop-iron sheet-iron and chains per ton per mile twopence ;

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence ;

In respect of carriages conveyed on the railways :—

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

Tolls for
 carriages &c.

40. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods articles matters or things persons or animals comprised in any of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in con-

nexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit):— A.D. 1882.

- For Class 1 for each person per mile one penny ;
- For Class 2 for each person per mile three farthings ;
- For Class 3 for each person per mile one halfpenny ;
- For Class 4 for each animal per mile one penny ;
- For Class 5 for each animal per mile one penny ;
- For Class 6 for each animal per mile one halfpenny ;
- For Class 7 per ton per mile one halfpenny ;
- For Class 8 per ton per mile one halfpenny ;
- For Class 9 per ton per mile three farthings ;
- For Class 10 per ton per mile one penny ;
- For Class 11 for each carriage per mile twopence.

41. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken. Toll for propelling power.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):— Regulations as to tolls.

For all passengers animals or goods conveyed on the railways for a less distance than four miles the Company may demand tolls and charges as for four miles ; Short distances.

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile ; Fractional parts of a mile.

For a fraction of a ton the Company may demand tolls 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 ; Fractional parts of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the usual avoirdupois weight ; General 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. Weight of stone and timber.

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Tolls for
small par-
cels and
articles of
great weight.

43. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—

For the carriage of small parcels on the railways :—

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

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds in weight the Company may demand any sum which they think fit ;

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

For the carriage of single articles of great weight on the railways :—

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence a ton per mile ;

For the carriage of any single article the weight of which with the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum
rates for
passengers.

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

For every passenger conveyed in a first-class carriage the sum of threepence per mile ;

For every passenger conveyed in a second-class carriage the sum of twopence per mile ;

For every passenger conveyed in a third-class carriage the sum of one penny per mile.

Maximum
rates for
animals and
goods.

45. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways

including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

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Class 4. For each animal fourpence per mile;

Class 5. For each animal twopence per mile;

Class 6. For every calf or pig one penny per mile and for every other small animal three farthings per mile;

Class 7. One penny halfpenny per ton per mile;

Class 8. Twopence per ton per mile;

Class 9. Threepence per ton per mile;

Class 10. Fourpence per ton per mile;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half five pence and one penny farthing for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

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

Passengers
luggage.

47. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Terminal
station.

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

Foregoing
charges not
to apply to
special
trains.

49. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in

Company
may take
increased
charges by
agreement.

A.D. 1882. relation thereto or in respect to the conveyance of animals and goods (other than small parcels) by passenger trains.

Classification
table to be
open to
inspection
and copies to
be sold.

Terminal
charges (if
any) to be
specified on
application.

Penalty.

Confirming
scheduled
agreement.

Transfer of
East Corn-
wall under-
taking.

Deed of
conveyance.

50. The books tables or other documents in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such books tables or other documents as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charges for conveyance over the railways shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

51. The scheduled agreement is hereby confirmed and made binding on the East Cornwall Company and the Company and shall be carried into full effect according to the true intent and meaning thereof.

52. From and after the completion of the purchase as provided in the scheduled agreement the East Cornwall Company shall continue to exist only for the purpose of winding up the affairs of that company as provided by this Act and of otherwise carrying into effect the provisions of this Act and of the scheduled agreement and the East Cornwall undertaking shall subject to the provisions of this Act and of the scheduled agreement be transferred to and vested in the Company.

53. The transfer shall be evidenced by a deed of conveyance duly stamped and wherein the consideration for the transfer shall be fully set forth Within three months from the date of the transfer the Company shall produce to the Commissioners of Inland Revenue

such deed of conveyance duly stamped as aforesaid and in default of such production the stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the transfer to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same. A.D. 1882.

54. Forthwith after the transfer the East Cornwall Company shall proceed to wind up their affairs and subject to the payment satisfaction or discharge of all the debenture and other debts liabilities and engagements (if any) of the East Cornwall Company the East Cornwall Company shall distribute and pay the purchase moneys payable by the Company to them to and among the several persons or the representatives of the persons who at the time of the transfer are the registered holders of shares or stock of the East Cornwall Company in proportion to their respective shares of the capital of the East Cornwall Company and according to their several priorities. *East Cornwall Company to wind up their affairs.*

55. Where the East Cornwall Company are for twelve months after the period for the distribution of their net moneys unable after diligent enquiry to ascertain the person to whom any part thereof ought to be paid or who can give an effectual receipt for the same the East Cornwall Company may pay the same into the Chancery Division of the High Court of Justice under any Act from time to time in force for the relief of trustees and every such payment into court shall conclusively discharge the East Cornwall Company from all further liability with respect to the net moneys so paid and for the purposes of this Act shall be deemed payment thereof to a person absolutely entitled thereto and any person afterwards showing to the satisfaction of the court that he is entitled thereto may obtain payment thereof out of court accordingly. *Payments into court by the East Cornwall Company.*

56. When all the debts liabilities and engagements of the East Cornwall Company are paid satisfied or discharged and their net moneys are distributed in accordance with this Act and the scheduled agreement and their affairs are wound up the East Cornwall Company shall be dissolved and wholly cease to exist. *Dissolution of East Cornwall Company.*

57. The Company may at any time after the transfer of the East Cornwall undertaking adapt the gauge of the East Cornwall Mineral Railway to that of four feet eight and a half inches either by removing and relaying the rails thereon or by laying down additional rails thereon so that the said railways may be throughout either of the gauge of four feet eight and a half inches or may be wholly or in part of a mixed gauge of three feet six inches and four feet eight and a half inches and may do all works matters and things which may be necessary for those purposes. *As to alteration of gauge of East Cornwall Mineral Railway.*

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Repeal of
certain
sections of
Act of 1869.

58. When and so soon as the railways by this Act authorised are open for traffic and the alterations in the gauge and in the levels of the East Cornwall Mineral Railway by this Act authorised are completed sections 24 (limiting speed of trains) and 32 (Company may not convey passengers horses cattle or carriages) of the Act of 1869 shall be by this Act repealed :

The East Cornwall Mineral Railway may thereafter be used for the conveyance of passengers horses cattle or carriages and the Company may demand and take for the use of such railway for locomotive power and for carriages and other matters and for the carriage on the said railways of passengers animals parcels and goods the same tolls rates and charges as the Company are by this Act authorised to demand and take on or in respect of the railways by this Act authorised not exceeding the maximum tolls rates and charges by this Act authorised to be taken upon or in respect of the railways by this Act authorised.

Power to use
other rail-
ways.

59. The Company and any company or persons for the time being working or using the railways of the Company or any part thereof either by agreement or otherwise may run over and use with their engines carriages and waggons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of their traffic of every description :—

Such parts of the railways of the Great Western and the London and South-western Railway Companies (herein-after called “ the two companies ”) respectively as lie between the junctions therewith of the Railways Number 1 and Number 2 by this Act authorised respectively and the joint station of the two companies or any separate station or part of a station of the South-western Company at Lydford together with such joint station or separate station or parts of station ; and all roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portions of railways and stations and as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said portions of railways and stations as are for the time being authorised to be taken upon and in respect of such portions of railways and stations respectively.

Terms of
such user.

60. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid

for and in respect of the use of such portions of railways stations works and conveniences shall be such as are from time to time agreed upon between them and the companies or any or either of them owning the said respective portions of railways stations works and conveniences or failing such agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of any or either of the companies or persons interested and the cost of the arbitration shall be in his discretion and the decisions of such arbitrator shall be final and binding on all parties. A.D. 1882.

61. The Company on the one hand and the London and South-western Railway Company (herein-after called "The South-western Company") on the other hand 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 agreements with respect to the following purposes or any of them (that is to say):— Power to enter into traffic arrangements.

The working use management and maintenance by the South-western Company of the railways and works of the Company or any part or parts thereof respectively ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting companies or either of them ;

The supply and maintenance under any agreement for the railways of the Company being worked and used by the South-western Company of engines stock and plant necessary for the purposes of such agreement and 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 the respective railways and works of the contracting companies or either of them or any part thereof.

62. During the exercise of the running powers herein-before given or 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 Company and of the South-western Company and the Great Western Railway Company shall for the purposes of short-distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the South-western Company and the Great Western Railway Company for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of Tolls on traffic conveyed partly on the railways and partly on other railways.

A.D. 1882. — 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 and the Great Western Railway Company.

As to junction with South-western Railway.

63. The junction between Railway Number 1 and the South-western Railway and all openings in the rails of the South-western Railway shall be made only at such point or points thereon respectively within the limits of deviation shown on the deposited plans as the South-western Company shall approve and all such communications and openings and all sidings side lines and works at or in connexion with the junction hereby authorised with the South-western 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 the land of the South-western Company shall be made by the South-western Company at the sole expense of the Company and according to terms and conditions to be from time to time agreed on between the Company and the South-western Company and shall be for ever thereafter maintained and kept in good repair by the South-western Company at the expense of the Company In the event of any difference arising between the Company and the South-western Company in regard to the matters aforesaid the same shall be settled by arbitration in the manner provided by the Railway Companies Arbitration Act 1859.

22 & 23 Vict. c. 59.

The South-western Company may from time to time erect such signals and conveniences incident thereto and appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic at and near the junction between the Railway Number 1 and the South-western Railway and the working and management of the junctions and of such signals and conveniences whether on lands of the South-western Company or on land of the Company shall be under the exclusive management and regulation of the South-western Company and all the actual expenses necessarily incurred of making and maintaining the junction and such signals and conveniences the wages of such watchmen switchmen and other persons and all incidental current expenses shall be repaid by the Company to the South-western Company as regards the expense of erection on the completion thereof 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 South-western Company in any court of competent jurisdiction. A.D. 1882.

No land belonging to the South-western Company shall be taken by the Company without the consent in writing of the South-western Company under their common seal first had and obtained. Provided always that the Company may purchase and take from the South-western 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 Railway Number 1 with the South-western Railway and for the purpose of the works and conveniences necessary in connexion with the said junction such parts of the lands of the South-western Company as are necessary for those purposes.

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 South-western Company.

The Company shall pay to the South-western Company the cost of any additions to the existing station of the South-western Company at Lydford which may from time to time be in the opinion of the South-western Company necessary for the accommodation of the traffic of the Company such sum as may be mutually agreed upon between the Company and the South-western Company or failing agreement as shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859. Provided always that any such addition shall be made by the South-western Company.

64. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty Her heirs or successors in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty Her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Saving the rights of the Duchy of Cornwall.

26 & 27 Vict. c. 49.

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Interest not
to be paid
on calls paid
up.

65. 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.

66. 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 to any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway Acts.

67. Nothing in this Act contained shall exempt the Company or their railways 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 to be taken by the Company.

Costs of Act.

68. 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.

The SCHEDULE referred to in the foregoing Act.

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HEADS OF AGREEMENT between the East Cornwall Mineral Railway Company (herein called "the East Cornwall Company") of the one part and the promoters of the Devon and Cornwall Central Railway Bill (herein called "the Company" represented by John Kempthorne) of the other part.

1. The East Cornwall Company to sell and the Company to purchase the undertaking as herein-after defined of the East Cornwall Company at the sum of £62,500 provided the rentcharges of that undertaking amounting to £250 per annum have been paid off and cancelled by the East Cornwall Company or failing such payment off or cancellation at the sum of £57,500.

2. The undertaking in these heads referred to includes the railway and works of every description as existing at the date of execution of these heads together with all lands surplus or otherwise engines rolling stock and all other the real and personal property of the East Cornwall Company (except money) together with their powers rights authorities privileges exemptions and all other interests of the East Cornwall Company.

3. Up to the time when the purchase is completed the East Cornwall Company shall continue to work the undertaking take receipts and pay all outgoings and shall pay and discharge all debts and liabilities incurred or to be incurred up to such date of completion.

4. The East Cornwall Company to deliver to the Company before completion of the purchase a full and accurate plan of their undertaking and to produce deeds of conveyance to them in fee simple of all lands comprised in the undertaking free from land tax and all rents (except the said rentcharges) and other incidents to the tenure and incumbrances.

5. The East Cornwall Company to pay off all Lloyds' bonds and all arrears of interest thereon and all debts and other liabilities and to reasonably satisfy the Company that the same have been so paid off before the date of completion. Should any such Lloyds' bonds arrears of interest debts or other liabilities or any debentures granted by the Company on the security of the undertaking or any interest due thereon be still unpaid at such date the Company to make an equivalent reduction from the purchase money aforesaid.

6. The Company prior to the completion of the purchase to have a full opportunity of investigating the books of the East Cornwall Company for the purpose of ascertaining the state of liabilities of that company and verifying the same.

7. The East Cornwall Company not to do or consent to anything between the date of the passing of the Devon and Cornwall Central Railway Bill into an Act and the date herein-after mentioned of completion of sale which will injuriously affect the value of the undertaking to the Company (but no

A.D. 1882. unreasonable exception shall be taken) and to maintain the same subject to the reasonable inspection and satisfaction of the Company up to the date of the completion of the purchase and then to deliver the same to the Company in as good a condition as it at present is.

8. The East Cornwall Company to hold a special meeting to approve of the sale of their undertaking to the Company in accordance with the standing orders.

9. This agreement and everything herein contained is subject to the necessary powers being obtained from Parliament which the East Cornwall Company and the Company respectively undertake to use their best efforts to obtain failing which this agreement shall ipso facto determine.

10. The purchase shall be completed and the purchase money paid before the works authorised by the Act confirming this agreement are opened for traffic and until such purchase is completed the said works shall not be so opened. The costs of the East Cornwall Company of and incident to the transfer of their undertaking to be borne and paid by the Company.

11. These heads or an agreement in extension thereof to be scheduled to and confirmed by the Bill now pending in Parliament promoted by the Company.

12. These heads are made subject to such alteration as Parliament may think fit to make therein.

In witness whereof the East Cornwall Minerals Railway Company have hereunto affixed their common seal and the said John Kempthorne hath hereunto set his hand.

Dated this 8th day of May 1882.



JOHN KEMPTHORNE.