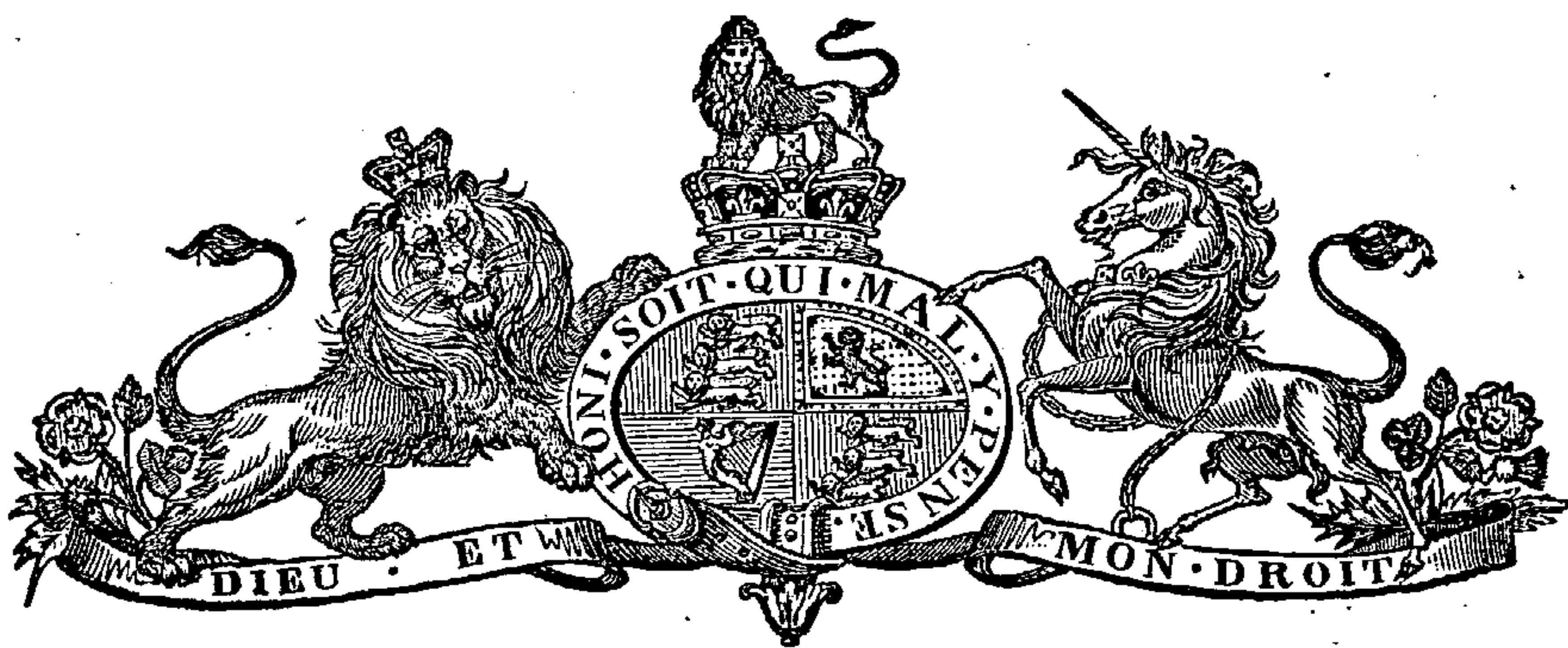




ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xcviïi.

An Act to enable the *West Cornwall* Railway Company to make a Deviation in and a Branch Railway from their authorized Line of Railway ; and for other Purposes. [14th *August* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the Parish of Kenwyn in the County of Cornwall to Penzance in the same County, with Branches, to be called The West Cornwall Railway*, under the Short Title of “*The West Cornwall Railway Act, 1846 :*” And whereas it is expedient that an Alteration or Deviation in some Part of the present authorized Line of the said Railway should be made : And whereas it is also expedient that the *West Cornwall* Railway Company should be empowered to make a Branch Railway : And whereas the said Company are willing at their own Expense to make such Alteration and Deviation and Branch Railway : And whereas it is expedient that some of the Powers and Provisions contained in the said recited Act should be altered, amended, extended, and enlarged, or repealed ; but the several Purposes aforesaid cannot be effected without the Authority of Parliament : May it therefore please Your Majesty that

[*Local.*] 16 *I* it

The West Cornwall Railway Amendment Act, 1850.

Recited Act
and this Act
to be exe-
cuted as One
Act.

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, That the said recited Act as amended by this Act, and this Act, shall be One Act, and carried into execution accordingly.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Proceedings at Law or in Equity, and other Proceedings whatsoever, it shall be sufficient to use the Expression "*The West Cornwall Railway Amendment Act, 1850.*"

Power to
make the
Deviations
and Branch
Railways
according to
deposited
Plans.

III. And whereas Plans and Sections of the said Deviation Railway and Branch Railway, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Cornwall*: Be it enacted, That, subject to the Provisions of this and the said recited Act, and the several Acts incorporated therewith (so far as the same respectively are so incorporated), contained, it shall be lawful for the Company to make and maintain the said Deviation and Branch Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of De-
viation and
Branch Rail-
way.

IV. And be it enacted, That the said Deviation Line of Railway shall commence by a Junction with the present authorized Line of Railway in the Parish of *Gulval* in the County of *Cornwall*, in the Plot of Ground No. 26. at the Fourth Furlong of the Main Line of Railway, as shown on the original Plans thereof deposited with the Clerk of the Peace of the said County of *Cornwall*, and be made and pass from, through, and into the several Parishes, Townships, and extra-parochial Places of *Penzance*, *Madron*, *Gulval*, *Ludgvan*, *St. Hilary*, the Township of *Marazion*, and *St. Erth*, some or one of them, all in the said County of *Cornwall*, and shall terminate in a certain Plot of Ground in the said Parish of *Ludgvan* numbered 91. on the said Plans so deposited as aforesaid by a Junction with the Main Line of Railway there; and the said Branch Railway shall commence by a Junction with the said Main Line of Railway in a Field numbered 93. in the Parish of *St. Erth* on the said Plans, and be made and pass through and into the several Parishes, Townships, and extra-parochial Places of *St. Erth*, *Hayle*, and *Phillack* in the County of *Cornwall*, and terminate by a Junction with the Line of a certain
Railway

The West Cornwall Railway Amendment Act, 1850.

Railway called the *Hayle* Railway at a Point about Eight Chains North-east of the Station known as the *Copper House* Station in the said Parish of *Phillack*.

V. And be it enacted, That it shall be lawful for the Company to construct the said Railways and Works hereby authorized across and on the Level of the following Roads; (that is to say,) the public Carriage Roads numbered 3. 31. and 55. in the said Parish of *Ludgvan* on the said Plans of the said Deviation and Branch Railways deposited as aforesaid, and across and on the Level of the public Carriage Road numbered 33. in the said Parish of *St. Erth* on the same Plan; and also to alter the Surface of and divert the said Roads or either of them, so far as may be necessary for that Purpose.

Power to cross certain Roads on a Level.

VI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at a Point where the said Deviation or Branch Railway crosses each of the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of Commissioners of Railways.

VII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways, if it shall appear to them to be necessary for the public Safety, at any Time hereafter to require the said Company, within such Time as the said Commissioners shall direct, and at the Expense of the said Company, to carry any or either of the herein-before mentioned Roads either over or under the said Deviation or Branch Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Commissioners the best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that where any such Road shall be so carried either under or over the said Deviation or Branch Railway, it shall not be necessary for the said Company to erect or maintain any Station or Lodge at the Point where such Road was intended to be crossed on the Level, nor to appoint any Person

Railway Commissioners may require Bridges instead of level Crossings.

to

The West Cornwall Railway Amendment Act, 1850.

to watch or superintend the crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

As to the
Inclination
of a certain
Road.

VIII. And be it enacted, That in raising the said public Highway Number 33. in the Parish of *St. Erth* so that the said Railway may cross the same on a Level, it shall be lawful for the Company to make the Inclination of the said Highway on the East Side of the said Line of Railway at a Gradient equal to the Average of the Gradients on the West Side thereof, being a Gradient not less than One Foot in Fifteen Feet.

Company
may abandon
original
Scheme ren-
dered unne-
cessary by
Deviation.

IX. And be it enacted, That the Company shall and may abandon and refrain from making all such Parts of the Line of Railway by the said recited Act authorized to be made, lying between the Points of Deviation, and which, by reason of such Alteration or Deviation by this Act authorized, may be rendered unnecessary; and that all the Powers and Authorities given to the Company by the said recited Act and the Acts incorporated therewith, or either of them (so far as the same Powers and Authorities respectively refer to the Parts so to be abandoned) shall immediately after the passing of this Act cease and determine.

Compensa-
tion to be
made where
Contracts
have been
entered into
or Notices
given.

X. And be it enacted, That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the said Company for purchasing any Lands which they were by the said recited Act empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the said Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage, if any, sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were thereby so empowered to purchase, to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the said Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act, 1845," contained.

XI. And

The West Cornwall Railway Amendment Act, 1850.

XI. And whereas by the *West Cornwall Railway Act, 1846*, it was enacted, that the Railway and Branch Railways by that Act authorized should be on the same Gauge as that of the *Great Western Railway*, and it is expedient that further Provision should be made with respect to the Gauge on which such Railway and the Deviation Railway and Branch Railway by this Act authorized shall be constructed : Be it enacted, That notwithstanding anything in the recited Act, or in an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*, contained, it shall be lawful for the *West Cornwall Railway Company* to lay down upon any Railway or Branch Railway constructed or to be constructed under the Authority of the recited Act or of this Act Rails only of a Gauge other than that of the *Great Western Railway*, and to work and use the same : Provided always, that the Cuttings, Embankments, Viaducts, Bridges, Tunnels, Stations, and all other Works of and connected with any such Railway or Branch Railway shall be constructed and maintained of such Width and Dimensions as will readily and conveniently admit of the laying down thereon of Rails of the same Gauge as that of the *Great Western Railway* : Provided also, that when and so soon as a Railway authorized or to be authorized by any Act of Parliament, and constructed on the same Gauge as that of the *Great Western Railway*, and communicating with any Railway or Branch Railway constructed under the Authority of the recited Act or of this Act, shall be completed and ready to be opened for Traffic, and the Company who shall be in the Possession of any such Railway so constructed shall have given to the *West Cornwall Railway Company* Six Months Notice requiring the last-mentioned Company to lay down upon any Railway or Branch Railway so constructed or to be constructed under the Authority aforesaid Rails of the same Gauge as that of the *Great Western Railway*, then and from thenceforth the before-mentioned recited Provision of the said *West Cornwall Railway Act, 1846*, as to the Gauge of the Railways thereby authorized, shall, in respect of any Railways or Branch Railways constructed or to be constructed under the Authority of the last-mentioned Act or of this Act, and mentioned in such Notice, have full force and effect, and shall operate in all respects as though such Provision had not been altered or varied by this Act, and shall also extend and be applicable to the Deviation and Branch Railway by this Act authorized to be constructed : Provided also, that if under the Provisions aforesaid any Lines of Rails are laid down on the said Railways or Branch Railways on the same Gauge as that of the *Great Western Railway*, the Provisions in the said recited Act contained with reference to laying down additional Rails, if required by the Board of Trade, shall have full force and effect.

Provisions
as to Gauge
of Railway.9 & 10 Vict.
c. 57.

The West Cornwall Railway Amendment Act, 1850.

Railway
Commis-
sioners may
require
Rails of the
same Gauge
as the Great
Western
Railway to
be laid
down.

XII. And be it enacted, That in case of any of the Railways belonging to the Company authorized by the said *West Cornwall* Railway Act, 1846, or the said Deviation Railway and Branch Railway hereby authorized, being constructed on any other Gauge than the Gauge of the said *Great Western* Railway, the Company shall, in the event of any Railway of the same Gauge as that of the *Great Western* Railway being constructed in the County of *Cornwall*, if the Commissioners of Railways shall at any Time so direct, lay down and maintain upon the whole or any Part or Parts of the same Railways such additional Rails adapted to the Gauge of the said *Great Western* Railway as may be requisite for allowing the free and uninterrupted Passage of Carriages, Waggons, and Trucks passing to or from such last-mentioned Railway, or any Railway or Railways constructed on the same Gauge; and such additional Rails shall be laid down and maintained and used to the Satisfaction and Approval of the said Commissioners of Railways, and all necessary Facilities and Accommodations shall be afforded by the Company for the convenient Use thereof; and it shall be lawful for the said Commissioners of Railways at any Time, on Complaint made by any Company or Person interested in the Question that such additional Rails have not been laid down or are not maintained as required by such Commissioners of Railways, or that such Facilities or Accommodations as aforesaid are not afforded, to order and direct the Company to adopt, and the Company shall accordingly adopt, such Regulations as the said Commissioners of Railways may see fit to require with reference to the laying down and Maintenance of such additional Rails, or to the convenient Use thereof, or for the Purpose of securing such free and uninterrupted Passage thereon as aforesaid: Provided always, that nothing herein or in any other Act of Parliament contained shall prevent the said Company from altering the Gauge of the *Hayle* Railway purchased by them so to adapt the same to the Gauge of the *West Cornwall* Railway.

Compulsory
Powers to
purchase not
to be exer-
cised after
Three Years.

XIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

XIV. And be it enacted, That after the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making and executing the Deviation and Branch Railways and Works hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same Works as shall then be completed.

Power to
take same
Tolls as on
Main Line.

XV. And be it enacted, That the Company may, subject to the Provisions in the said recited Act and in this Act contained, lawfully demand

The West Cornwall Railway Amendment Act, 1850.

demand and receive in respect of the Railways and Works hereby authorized, for and in respect of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of all Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed on the same Railways and Works, or any Part thereof respectively, and for and in respect of Locomotive Engines or other Power supplied by the Company, and for the Conveyance upon the same Railways and Works, or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, or otherwise howsoever, such Amount of Rates, Tolls, or other Charges as by the said recited Act the Company are authorized to demand and receive in respect of the Railway and Branch Railways thereby authorized to be made, or any Part thereof; and all Provisions and Regulations contained in the said recited Act or in the Acts incorporated therewith relative to the Imposition, Collection, and Recovery of Tolls shall extend and be applicable to the Rates, Tolls, or other Charges to be levied by virtue of this Act.

XVI. And whereas there are certain extensive and valuable Mines, called the *Wheal Basset* and the *Wheal Buller* Mines, situate at a Distance of about Three Quarters of a Mile on the South-western Side of the Line of the *Tresevean Mine* Branch Railway, and it would be of great Benefit and Advantage to the Owners of such Mines and also to the said Company if they were authorized to enter into Agreements with respect to the Construction of a Line of Railway or Tramroad from the said *Tresevean Mine* Branch, up to and so as to communicate with the said Mines: Be it enacted, That it shall be lawful for the said Company, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any Special General Meeting of the Company convened for that Purpose, and subject to the Provisions in the "Lands Clauses Consolidation Act, 1845," contained with respect to the Purchase of Lands by Agreement, to contract and agree with the Owners, Lessees, and Occupiers of the Lands lying between the said Mines and the said *Tresevean Mine* Branch Railway to construct and lay down Branch Railways or Tramroads so as to form a Means of Communication between the said Mines and the said *Tresevean Mine* Branch Railway, with all necessary Works and Conveniences, and to apply so much of the surplus Funds of the Company which may be necessary for the Purpose, and which may not be required for the Purposes of and for the Construction of the Works authorized by this and the said recited Act.

Company
may agree
for Con-
struction of
Line to cer-
tain Mines.

XVII. And

The West Cornwall Railway Amendment Act, 1850.

Recital of Provisions as to Payment of Dividends on Four thousand Shares allotted to Hayle Railway Company.

XVII. And whereas by the said recited Act it was enacted, that it should be lawful for the Company thereby incorporated to contract for and purchase, and for the Company of Proprietors of the said *Hayle* Railway to sell to the said Company thereby incorporated, the said last-mentioned Railway, and all Rights, Powers, and Privileges of such last-mentioned Company of Proprietors in relation thereto; and on Completion of such Sale, of which Completion a Transfer duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seal of the said Company of Proprietors, was to be sufficient Evidence, the said *Hayle* Railway should be and become the Property of the Company thereby incorporated, but subject to all Mortgages and other Liabilities affecting the same; and it should be lawful for the said last-mentioned Company, subject to the Provisions therein mentioned, to make and maintain the Alterations in the Line and Levels of the said *Hayle* Railway defined in the Plans and Sections deposited as therein mentioned, and to enter upon, purchase, and take such of the Lands described in the said Plans and referred to in the Books of Reference deposited therewith as might be necessary for the Purpose; and the said *Hayle* Railway, as altered and improved, should form a Part of the Undertaking thereby authorized, and should as such be subject to the Provisions of the Act and the Acts therein recited relating thereto: And whereas the said Company of Proprietors of the *Hayle* Railway agreed to sell and transfer to the said *West Cornwall* Railway Company, and the *West Cornwall* Railway Company agreed to purchase, the said *Hayle* Railway, and all Rights, Powers, and Privileges of the said Company of Proprietors in relation thereto, for the Sum of Eighty thousand Pounds, subject nevertheless to all the Engagements and Liabilities which the said *Hayle* Railway Company should or might be under or subject to at the Time of Delivery of Possession of the said *Hayle* Railway to the said *West Cornwall* Railway Company, the said Sum of Eighty thousand Pounds to be paid at the Option of the *West Cornwall* Railway Company either in Money or by Four thousand Shares of Twenty Pounds each in the Capital of the said *West Cornwall* Railway Company, upon all of which Shares the full Sum of Twenty Pounds was to be considered as paid: And whereas the last-mentioned Company elected to pay in Shares, and accordingly Four thousand Shares in the Capital of the said *West Cornwall* Railway Company were duly allotted to the said Company of Proprietors on the Terms aforesaid: And whereas the said *West Cornwall* Railway Company are desirous of constructing with as little Delay as possible that Portion of the said Main Line of Railway which lies between the Towns of *Hayle* and *Penzance*, both in the said County of *Cornwall*, and to facilitate such Construction have applied to the Proprietors

or

The West Cornwall Railway Amendment Act, 1850.

or Holders of the said Four thousand Shares to consent to, and they have consented to, the Arrangement next herein-after contained, subject to the Provisions herein-after also contained; and it being expedient that such Arrangement should be entered into, be it enacted, That notwithstanding the full Sum of Twenty Pounds *per* Share is to be considered as having been paid in respect of the same Four thousand Shares, the Proprietors or Holders of such Shares respectively shall not, at any Time or Times after the said Portion of the said Main Line of Railway which lies between the said Towns of *Hayle* and *Penzance* shall have been constructed in such Manner as to form a continuous Line of Railway open for public Traffic from the Town of *Penzance* through *Hayle* to the Town of *Redruth* in the said County, be entitled to receive by way of Dividend upon the Number of such Shares held by them respectively any greater Amount *per* Share than shall for the Time being be payable to the other Shareholders in the *West Cornwall* Railway Company upon the Shares held by them respectively in the Capital thereof: Provided nevertheless, that in case the said other Shareholders in the said *West Cornwall* Railway Company shall receive in any one Year, by way of Dividend, an Amount equal to Five Pounds *per Centum* on the Sums paid up by them upon their respective Shares therein, then and in every such Case such last-mentioned Shareholders shall not receive any further Amount of Dividend for such Year, unless and until the said Proprietors or Holders of the said Four thousand Shares shall have received in such Year, by way of Dividend, a Sum equal to Five Pounds *per Centum* upon the whole Amount of Twenty Pounds *per* Share paid or to be considered as paid upon their said Shares respectively, but that any further Amount of Dividends which may be payable in any such Year shall be divided between the said Proprietors or Holders of the said Four thousand Shares and the said other Shareholders in the *West Cornwall* Railway Company, rateably and in proportion to the Amount considered to be paid as aforesaid and paid upon their respective Shares in the same Company.

Alteration
of Payment
of Dividends
on Hayle
Proprietors
Shares.

XVIII. Provided always, and be it enacted, That in the event of the *West Cornwall* Railway Company, without the Consent of the Proprietors or Holders of Four Fifths of the said Four thousand Shares, exercising the Power to borrow on Mortgage or Bond granted to them by the said recited Act, (except for the Purpose of paying off existing Liabilities of the said Company, that is to say, Thirty thousand Pounds due on Loan Notes, and Eight thousand Pounds on Mortgage, and a further Sum not exceeding Ten thousand Pounds, together Forty-eight thousand Pounds,) the Arrangement aforesaid, and the Enactment in that Behalf, shall thenceforth cease, determine, and be of no Effect.

If Powers
of borrowing
are exercised
without Con-
sent Ar-
rangement
to cease.

The West Cornwall Railway Amendment Act, 1850.

As to opening of
Railway
between
Hayle and
Penzance.

XIX. Provided also, and be it enacted, That if the said Main Line of Railway which lies between the said Towns of *Hayle* and *Penzance* shall not be constructed and opened in such Manner as aforesaid within Five Years from the passing of this Act, then the said Arrangement aforesaid and the said Enactment shall also thenceforth be of no Effect.

As to Appointment of
Directors.

XX. And whereas by the said recited Act it was enacted, that the Number of Directors should be Ten, and the Qualification of each Director should be the Possession in his own Right of Fifty Shares in the said Undertaking; and it was further enacted, that it should be lawful for the said Company, by the Vote of any General or Special General Meeting, to increase or reduce the Number of Directors, provided that the increased Number did not exceed Eighteen, and that the reduced Number be not less than Eight: Be it enacted, notwithstanding anything in the said recited Act contained, That during such Period as the said Proprietors or Holders of the said Four thousand Shares shall not receive Dividends on the full Amount of their said Shares, the said Proprietors or Holders shall have Power to elect from among the said Proprietors or Holders such a Proportion of the total Number of Directors of the said *West Cornwall* Railway Company for the Time being as shall not be less than the Proportion which the said Four thousand Shares shall bear from Time to Time to the Residue of the Shares in the *West Cornwall* Railway Company which shall not for the Time being have been forfeited or become liable to Forfeiture for Nonpayment of Calls, and that such Power shall be exercised at the First Meeting of the said Company which shall be held after the passing of this Act, and that the Election of Directors by the said Proprietors or Holders of the Four thousand Shares aforesaid subsequently to such Meeting shall take place according to the Provisions of the "Companies Clauses Consolidation Act, 1845," so far as the same are consistent with the Provisions of this Act.

Certain Directors to go
out of Office.

XXI. And be it enacted, That at the First Meeting of the said Company which shall be held after the passing of this Act *John Pierce Kennard* Esquire and *George Barker* Esquire, at present the Proprietors or Holders of a Portion of such Four thousand Shares, shall go out of Office and cease to be Directors, and their Places shall be supplied in the Manner provided by this Act; but each of such Directors so going out of Office shall be capable of being immediately or at any Time thereafter re-elected as a Director of the said Company.

Admiralty
may order a
local Survey to be

XXII. And be it enacted, That the said Company shall and they are hereby required to submit Working Drawings of the Works hereby authorized, where the Line of Railway is intended to cross the said
4
Estuary,

The West Cornwall Railway Amendment Act, 1850.

Estuary, to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral; and after such Working Drawings shall have been so submitted the said Lord High Admiral or Commissioners as aforesaid may, if they shall deem it expedient, order a local Survey and Examination of such Works, or of the intended Site thereof; and the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company, and such Plans and the Works for crossing the said Estuary shall be subject to the Approval and Sanction of the said Lord High Admiral or Commissioners as aforesaid, as provided by the "Railways Clauses Consolidation Act, 1845."

made at Ex-
pense of
Company.

XXIII. And be it enacted, That if any Bridge or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of any such Bridge or Work which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Costs and Charges of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

If Works
abandoned
Admiralty
may remove
the same at
Expense of
Company.

XXIV. And be it enacted, That in making and constructing the said Branch Railway the said Railway Company shall not take or use any of the Lands or Premises belonging to or in the Occupation of the *Cornish* Copper Company to the North-west of a straight Line to be drawn from the Western Side of the North Pier of the existing wooden Bridge across the Estuary at *Copper House*, over which the *Hayle* Railway now passes, to the Eastern Point of the new Quay adjoining the *Bristol Man's Dock*, which Point is One hundred and ninety-five Feet from the North End of the Wall which divides the said Quay from the *Carnsew* Property.

Company
not to take
certain
Lands of
Cornish
Copper
Company.

XXV. And be it enacted, That in case the said Branch Railway shall be carried across the *Copper House Channel* at any other Spot or by any other Means than the Drawbridge over which the present *Hayle* Railway passes, such crossing shall be effected by means of a good and sufficient Drawbridge or Swingbridge of not less Span than the present Drawbridge; and further, that if in or at any Time after the Construction

As to cross-
ing *Copper*
House
Channel.

The West Cornwall Railway Amendment Act, 1850.

Construction of such new Drawbridge or Swingbridge any Injury or Damage shall thereby or by the Use or working of the said Drawbridge or Swingbridge be done or arise to any of the Walls, Piers, Buttresses, Pavements, or Buildings connected with the Flood Gates of the *Copper House Channel*, or appertaining or belonging thereto, such Injury or Damage shall be forthwith repaired and made good by and at the Expense and Cost of the said Railway Company; and in case the said Railway Company shall refuse or neglect to repair and make good such Injury or Damage for the Space of One Calendar Month after Notice in Writing given to or left for their Secretary at any Office of the said Company by or on behalf of the said *Cornish Copper Company*, and after an Award made as herein-after provided, whereby the said Railway Company shall have been ordered or directed or been found liable to make any such Reparations or Amendments as aforesaid, then and in such Case the said *Cornish Copper Company* may cause such Reparations and Amendments to be forthwith made, and recover the Amount thereof by Action at Law, with full Costs of Suit, of and from the said Railway Company.

Disputes as to Compensation for Damage to be settled by Arbitration.

XXVI. And be it enacted, That in case any Dispute shall arise as to the Liability or Duty of the said Railway Company to repair any Injury or Damage which may have been done to any of the Walls, Piers, Buttresses, Pavements, or Buildings connected with the Flood-gates of the said *Copper House Channel* or appertaining or belonging thereto, or as to the Amount of any such Injury or Damage, the same shall be settled by Arbitration in the Manner provided by the “*Railways Clauses Consolidation Act, 1845*,” with respect to the Settlement of Disputes by Arbitration.

For facilitating the Passage of Vessels along the *Copper House Channel*.

XXVII. And whereas it is expedient that, due regard being had to the Navigation of the said *Copper House Channel*, the free Passage of the said Railway over the said Drawbridge or Swingbridge should nevertheless be as far as may be effectually facilitated and secured: Be it enacted, That the said Railway Company shall at the Times of Tide herein-after specified station a Servant or Agent within a convenient Distance of the said Bridge, and that such Servant or Agent shall from Time to Time during the Day of every Spring Tide, and during the Two Days immediately preceding, and the Two Days following the Day of such Spring Tide, upon Request of the Owners, Masters, or Persons in charge of any Vessels, draw back or open the said Drawbridge or Swingbridge for the Passage of such Vessel or Vessels into or out of the said Channel, and also during the Fourth Day after the Day of such Spring Tide shall, upon like Request, in like Manner draw back the said Drawbridge for the Passage of any Vessel or Vessels out of the said Channel: Provided always, that the said Bridge be not drawn back or opened until One Hour before High Water,

The West Cornwall Railway Amendment Act, 1850.

Water, nor until there shall be Six Inches more of Water in the middle or shallowest Part of the said Channel immediately under the said Bridge than shall be necessary for the Draught or Tonnage of the Vessel about to pass through the said Channel, and that the said Bridge be again closed with all convenient Speed after the Passage of such Vessel or Vessels, or at the latest before the Expiration of Half an Hour after High Water, or at all such Times when there shall not be such a Depth of Water as aforesaid, unless upon an Occasion of any Risk or Danger to any such Vessel or Vessels, in which Case the said Bridge may be drawn back or opened so as to insure or promote the Safety of such Vessel or Vessels: Provided also, that in case the said Railway Company or their Agents or Servants shall at any Time after Notice given to such Person as shall be employed by them for such Purpose neglect or refuse to draw back, open, or close the said Bridge at the Periods and as herein-before specified for that Purpose (saving and except at the Periods when such Bridge shall be under repair), the said Railway Company shall for every such Neglect or Refusal forfeit and pay to the Party aggrieved the Sum of Five Pounds, and for every consecutive Hour after the first during which the said Railway Company shall neglect or refuse to draw back, open, or close the said Bridge, as the Case may be, the additional Sum of Two Pounds, such said respective Sums to be levied and applied in manner directed with respect to any other Penalties by this Act or the said recited Act imposed.

XXVIII. And be it enacted, That for the Purpose of ascertaining the Depth of Water in the said *Copper House Channel* for the Purpose aforesaid the said Railway Company shall and they are hereby required to put down and to maintain and keep as near to the said Drawbridge over the said Channel as conveniently may be, and in a conspicuous Part thereof, a Post painted with Figures not less than Six Inches in Length, in Roman Characters, to denote the Height of Water in the said Channel, by which all Parties concerned shall be governed and directed.

Ascertaining
Depth of
Water in
Copper
House
Channel.

XXIX. And for the further securing the said Railway over the said Drawbridge from all malicious or unnecessary Interruption from the Navigation of the said *Copper House Channel*, be it enacted, That every Master of a Vessel who shall, from malicious Design or Negligence, suffer any Vessel so to take Ground in the said Channel as to prevent the closing of the said Bridge and the due working of the said Railway, shall for every such Offence forfeit and pay to the said Railway Company the Sum of Five Pounds, and for every consecutive Hour after the first during which the free Passage of the said Railway over the said Bridge shall by such grounding of such Vessel as aforesaid be impeded the additional Sum of Two Pounds, such Sums to be

Penalty for
obstructing
Passage of
Railway
over Draw-
bridge.

[*Local.*]

16 M

levied

The West Cornwall Railway Amendment Act, 1850.

levied and applied in manner directed with respect to any other Penalties by this Act or the said recited Act imposed.

Deposit for future Bills not to be paid out of Company's Capital.

XXX. And be it enacted, That it shall not be lawful for the Company, out of any Money authorized by this Act or any other Act relating to the Company to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railways and Works hereby authorized to be made from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Works so far as the same shall be applicable thereto.

Railway to be subject to Provisions of future general Acts.

XXXII. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Act or this Act.

XXXIII. And

The West Cornwall Railway Amendment Act, 1850.

XXXIII. And be it enacted, That the Costs and Expenses incurred in obtaining this Act, and all Expenses preparatory and relating thereto, shall be paid by the Company in preference to all other Payments whatsoever. Expenses of Act.

XXXIV. And be it enacted, That in this Act the Expression "the Company" shall mean the *West Cornwall Railway Company*. Meaning of the Word "Company."

XXXV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.

