



## CHAPTER clxii.

An Act to authorise the construction of Railways in the county of Cornwall, to be called the Cornwall Mineral Railways, and the amalgamation therewith of the New Quay and Cornwall Junction Railway, and other undertakings connected therewith. [21st July 1873.] A.D. 1873.

**W**HEREAS there is in the county of Cornwall a system of railways or tramways stretching, with some interruptions, from New Quay Bay on the north-west to Par Harbour on the south-east, which railways have for the most part been constructed upon the estate of the Reverend Edward John Treffry, of Place in the county of Cornwall, by his predecessors in title, and form part of what are known as the Treffry Estates, and are mainly used as tramways for the conveyance of minerals to the New Quay Harbour and to Par Harbour :

And whereas by "Treffry's Estate Act, 1872," an agreement was confirmed, dated the 21st day of February 1872, between the trustees of the Treffry Estate of the first part, the said Reverend Edward John Treffry and his son Charles Ebenezer Treffry, of New Quay in the county of Cornwall, Esquire, of the second part, and William Richardson Roebuck of the third part, whereby a lease for a term of sixty years was agreed to be granted of the said railways or tramways to the said William Richardson Roebuck and his assigns : 35 & 36 Vict. c. 7. (Private.)

And whereas by a supplemental agreement made the 22nd day of February 1872 between the parties to the agreement herein-before mentioned, provision is made for the purchase by the lessees at the expiration of the said term of sixty years of the undertaking agreed to be granted by the said lease, together with all branches, diversions, and extensions thereof which may have been made by the lessee or his assigns during the said term, and which at the end of the said term would otherwise belong to the lessors, and the said supplemental agreement is also confirmed by "Treffry's Estate Act, 1872 :"



A.D. 1873.      And whereas the undertaking so agreed to be demised comprises,—

- (1.) The New Quay Railway or tramroad, commencing at or near New Quay Harbour, and terminating at or near to St. Dennis (save and except the incline leading to the Hendra Clayworks and the engine-house and stationary engine thereon) :
- (2.) A branch railway or tramway, commencing at or near to Treloggin in the parish of St. Columb Minor, and terminating at or near the Eastwheal Rose Mine in the parish of Newlyn, in the said Estate Act wrongly referred to as Perranzabuloe :
- (3.) The Par Railway (otherwise called the Luxulion line), commencing near Par Harbour, and terminating near a place called Bugle Inn in the parish of St. Austell, a certain portion of the said railway being excepted from the said lease :
- (4.) The Harbour of New Quay, and the pier, approaches, cranes, appliances, and appurtenances connected therewith, subject to any (if any) existing public or private rights, together with all pier and harbour and other dues payable in respect to the same, except the dues payable by the fishermen on pilchards, called 'hole money :'

And whereas a company (herein-after called the limited company) have been incorporated by a memorandum of association and articles of association, both dated the 26th day of June 1872, under the Companies Acts, 1862 and 1867, by and under the name of the "Cornwall Minerals Railway and Harbour Company (Limited) ;" and by an indenture made the 27th day of June 1872 between the said William Richardson Roebuck and the said company, the said William Richardson Roebuck assigned to the company all his rights under the said agreement of the 21st day of February 1872 and under the said supplemental agreement of the 22nd day of February 1872, and the limited company have entered into contracts for the improvement of the railways or tramways and works so agreed to be demised by the said agreement of the 21st day of February 1872, and for the adaptation of the same to locomotive steam engines, and progress has been already made in the said improvement and adaptation :

And whereas a further supplemental agreement, bearing date the 24th day of May 1873, has been made between the trustees of the Treffry Estate of the first part, the said Edward John Treffry and Charles Ebenezer Treffry of the second part, and the Cornwall Minerals Railway and Harbour Company (Limited) of the third part, whereby the exception contained in the fourth paragraph of the agreement of the 21st day of February 1872 is cancelled, and



the excepted portion of the Par Railway is included in the premises agreed to be demised, the said variation from the agreement of the 21st day of February being made in consideration of the covenants and stipulations contained in the said further supplemental agreement, and certain other purposes therein mentioned are provided for :

A.D. 1873.

And whereas the limited company applied to the Board of Trade, by virtue of "The Railways Construction Facilities Act, 1864," for the certificate of the Board to enable the company to improve the said railways or tramways, and to convert the same into railways, and to make certain improvements and deviations therein, and to connect the same or extend the same by the formation of certain additional railways, and they caused plans and sections, with a book of reference thereto, to be deposited in the month of June 1872 with the clerk of the peace for the county of Cornwall, and they obtained and proved to the Board of Trade the consents, absolute or conditional, of the owners, lessees, and occupiers of the lands which were to be entered upon, taken, and used for the purpose of the said certificate :

And whereas the Board of Trade settled a draft certificate, and on the 6th day of February 1873 laid the same before both Houses of Parliament :

And whereas the House of Lords, on the 17th day of March 1873, resolved that the certificate ought not to be made, and referred the said draft certificate to the committee of their Right Honourable House to whom this Act was in its passage through Parliament referred, with leave to incorporate such of its provisions in this Act as they should think fit :

And whereas by the "Treffry's Estate (New Quay Railway) Act, 1857," (section 28), the use of locomotive steam engines upon the New Quay Railway and Eastwheal Rose Branch is prohibited, unless with the consent of the Board of Trade, and although the said railway and branches are constructed upon a gauge of four feet eight inches and a half they are not yet adapted to locomotive engines :

And whereas it is expedient and will conduce to public and local advantage that all the said tramways should be adapted to locomotive engines, and that the system of railways between New Quay Harbour and Par Harbour should be rendered more complete by the construction of the railways herein-after authorised, and that the said limited company should be merged in the Company incorporated by this Act, and should be dissolved :

And whereas the capital of the limited company is seven hundred and fifty thousand pounds (Article 7), divided into seven

Capital.



A.D. 1873. — thousand five hundred shares of one hundred pounds each, and of these three thousand seven hundred and fifty shares are preference shares, and entitled to a preferential dividend of six pounds per centum per annum out of the net profits of each year, in respect of which shares sums amounting to three hundred and sixteen thousand four hundred and thirty pounds have been paid up, and three thousand seven hundred and fifty are ordinary shares, in respect of which sums amounting to one hundred and eighty-six thousand seven hundred pounds have been paid up, and by the 13th article of association the limited company are authorised to borrow on bonds, debentures, or mortgages the sum of two hundred and fifty thousand pounds; but the limited company have not borrowed any money, nor do they owe any money on mortgage or bonds:

And whereas by the "New Quay and Cornwall Junction Railway Act, 1864," the New Quay and Cornwall Junction Railway Company was incorporated for making railways from the Cornwall Railway to the St. Dennis Branch of the New Quay Railway in the county of Cornwall, and by an Act passed in the year 1868 the said company (who are herein-after referred to as the "Cornwall Junction Company") were authorised to make a deviation from the line of railway described in the Act of 1864:

And whereas in pursuance of the powers of the said Acts the said company have constructed a railway between the Cornwall Railway and a place called Drinnick Mill, but the powers for the construction of the remainder of their railway and of the said deviation have expired, and they have not taken any land for the purposes of the said portions of their undertaking, but they have entered into contracts for the purchase of certain lands:

And whereas it is expedient and it will conduce to public convenience, and it has been arranged between the two companies, that the undertaking of the Cornwall Junction Company should be transferred to the Company hereby incorporated:

And whereas it is also expedient that powers should be granted to lay down rails upon the Cornwall Junction Railway upon the narrow gauge as well as upon the broad gauge, which is now subsisting thereon, and that the Company should be authorised to extend the railway from Drinnick Mill to St. Dennis:

And whereas of the capital of thirty thousand pounds authorised to be raised by shares by the Cornwall Junction Company the sum of twelve thousand pounds has not been issued; and of the sum of nine thousand pounds authorised to be raised by them in loans the sum of three thousand six hundred and fifty pounds has not



been raised, and the said Company have not issued debenture stock : A.D. 1873.

And whereas the Cornwall Junction Company are indebted in various sums of money, amounting to about twenty-five thousand pounds, on simple contract and for arrears of interest on mortgage :

And whereas plans and sections showing the lines and levels of the railways, and of the other works authorised by this Act, and of the lands in or through which the same are to be made and maintained, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Cornwall, under the several titles of "Cornwall Minerals Railway and Harbour" and "New Quay and Cornwall Junction Railway," in addition to the plans, sections, and book of reference deposited as aforesaid with respect to the application to the Board of Trade for their certificate; and the said documents are herein-after respectively referred to as the deposited plans, sections, and book of reference :

And whereas a memorandum of agreement was made on the 25th July 1872, between the directors therein mentioned of the limited company of the one part, and the Right Honourable Evelyn Viscount Falmouth of Tregothnan in the county of Cornwall, of the other part :

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 ; 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 ; (that is to say,)

1. This Act may be cited as "The Cornwall Minerals Railway Act, 1873." Short title.

2. "The Companies' Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies' Clauses Act, 1863," (relating respectively to cancellation and surrender of shares and to debenture stock), "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and (so far as applicable) Part I. of "The Railways Clauses Act, 1863," relating to construction of a railway, and Part V. of the same Act, relating to amalgamation, are (except where expressly varied by this Act) incorporated with and form part of this Act ; and the pro-

Provisions of  
general Acts  
herein  
named in-  
corporated.



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*Act, 1873.*

A.D. 1873. — visions in "The Railways Clauses Act, 1863," relating to amalgamation shall apply to the company hereby dissolved and to the Company hereby incorporated as fully as though the undertaking of the dissolved company was absolutely amalgamated with and became permanently the property of the Company hereby incorporated instead of being transferred to that company for a term of sixty years.

Interpreta-  
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" means the Company incorporated by this Act;

The expressions "the limited company" and "the dissolved company" mean the Cornwall Minerals Railway and Harbour Company (Limited);

The expression "the Cornwall Junction Company" means "the New Quay and Cornwall Junction Railway Company;"

The expressions "the railways" and "the undertaking" mean respectively the railways, whether newly constructed or converted from tramways, and the undertaking by this Act authorised;

And the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company in-  
corporated.

4. From and after the passing of this Act the limited company shall be dissolved, and the memorandum and articles of association thereof annulled, and all persons who at the time of the passing of this Act hold shares in the limited company, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the "Cornwall Minerals Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this



Act, and their undertaking shall be called the "Cornwall Minerals Railway." A.D. 1873.

5. Subject to the provisions of this Act, all the lands, tramways, harbours, quays, buildings, rights, and easements which immediately before the passing of this Act were vested in the dissolved company, whether in fee or for a term of years, or to which the dissolved company was in anywise entitled, and all the powers, rights, and authorities, and all the duties and liabilities, and all moneys, securities, credits, effects, and other property whatsoever, whether real or personal, which immediately before the passing of this Act belonged to the same company, and the benefit of all contracts and engagements entered into by or on behalf of the same company, and immediately before the passing of this Act in force, and especially the benefit of the articles of agreement and the supplemental agreement contained in the schedule to "Treffry's Estate Act, 1872," and of the said recited assignment of those agreements, dated the 27th June 1872, and the said further supplemental agreement of the 24th day of May 1873, shall be and the same are hereby vested in the Company, to the same extent, and for the same estate and interest, and subject to the same covenants, liabilities, and restrictions, as the same were, previously to the passing of this Act vested in the dissolved company, and may, according to the provisions of this Act, be held and enjoyed, sued for and recovered, maintained, altered, discontinued, renewed, dealt with, and disposed of by the Company as they think fit.

Present property of dissolved company vested in Company incorporated by this Act.

6. The capital of the Company is hereby declared to be seven hundred and fifty thousand pounds, divided into seven thousand five hundred shares of one hundred pounds each, and the holders of shares in the dissolved company shall be shareholders of the Company hereby incorporated, with the same rights and privileges and subject to the same trusts and liabilities as attached to their shares in the dissolved company. Capital.

7. The Company shall call in and cancel the existing certificates of shares in the limited company, and issue in lieu thereof certificates in the form and under the conditions prescribed by the "Companies Clauses Consolidation Act, 1845," but the holders of such existing certificates of shares shall not be entitled to any certificates of proprietorship under this Act until they shall have delivered up to the company to be cancelled the certificates of proprietorship issued to them before the passing of this Act, or shall have proved to the reasonable satisfaction of the Company the loss or destruction thereof.

Company shall call in and cancel existing share certificates and issue new certificates in lieu thereof.



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Certain  
shares to be  
entitled to a  
preferential  
dividend.

Power to  
borrow on  
mortgage.

8. Three thousand seven hundred and fifty of the said shares shall, in pursuance of the said articles of association, be entitled to a preferential dividend of six pounds per centum per annum, but subject to the conditions and restrictions contained in the fourteenth section of "The Companies Clauses Act, 1863."

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

Arrears may  
be enforced  
by appoint-  
ment of a  
receiver.

10. 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 twenty thousand pounds in the whole.

Debenture  
stock.

11. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application  
of moneys.

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



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**13.** The first ordinary meeting of the Company shall be held within four months after the passing of this Act.

First ordinary meeting.

**14.** The number of directors shall be eight, but the Company may from time to time reduce the number, provided that the number be not less than five.

Number of directors.

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

Qualification of directors.

**16.** The quorum of a meeting of directors shall be three.

Quorum.

**17.** The Right Honourable the Earl of Dunraven, Charles Gilpin, Sampson Lloyd, John Spikings Louth, Alexander Clunes Sherriff, Charles Henry Robarts, Charles Ebenezer Treffry, and George Wilson shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing 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 resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

First directors.

Election of directors.

**18.** 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 twenty-five acres.

Lands for extraordinary purposes.

**19.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers for compulsory purchases limited.

**20.** Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways and works herein-

Power to make railways according to de-



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A.D. 1873. after described, with all proper stations, approaches, works, and  
posited plans. conveniences connected therewith, and may enter upon, take, and  
use such of the lands delineated on the said plans and described in  
the deposited book of reference as may be required for that purpose :

The railways and works herein-before referred to and authorised  
by this Act are the following ; (namely,)

(A. Railways and works described on the plans deposited in  
November 1872 with relation to the Cornwall Minerals Railway  
and Harbour :)

- (1.) The conversion into a railway of the gauge of 4 feet 8½ inches adapted to the use of locomotive engines of so much of the tramway known as the Par Railway or Luxulion line as lies between the Par Lead Smelting Works in the parish of St. Blazey and a spot in the parish of Luxulion about 550 yards north-east of St. Blazey Bridge. The said conversion is numbered 1a upon the deposited plans and is 1 mile and 3 furlongs in length, and it will be made wholly in the parishes of Saint Blazey, Tywardreath, and Luxulion :
- (2.) The conversion in like manner of part of the same tramway, commencing in the parish of Luxulion at a point about 150 yards south-eastward of the parish road from Luxulion to Tregorrick, and terminating in the parish of St. Austell near the end of the said tramway at Bugle. The said conversion is numbered 2a upon the deposited plans and is 2 miles 1 furlong and 7 chains in length, and will be made wholly in the parishes of Luxulion and Saint Austell :
- (3.) Ratew Branch :  
A branch railway 2 miles and 1 furlong in length, commencing in the parish of Saint Columb Major by a junction with the existing New Quay Railway at a point about 260 yards (measured along the said railway) south-eastward of the turnpike road from Truro to Bodmin, passing through the parish of St. Denis, and terminating in the parish of St. Enoder at or near the Melangoose Clayworks. The said railway is designated by the number 7 on the said plans :
- (4.) Carbus Branch :  
A railway 1 mile in length, commencing in the parish of St. Austell by a junction with the railway herein-before described as 2a at the termination of the said railway



at near Bugle, and terminating in the parish of Roche near A.D. 1873.  
the Great St. George Clayworks at Carbus. The said  
railway is designated by the number 8 on the said  
plans:

- (5.) A railway 3 furlongs and 5 chains in length (being a deviation of the New Quay Railway), commencing in the parish of Colon by a junction with the said New Quay Railway, 450 yards or thereabouts westward of the point where the said railway crosses a public road at a place called White Cross, and terminating by a junction with the same railway in the parish of St. Columb Major 300 yards or thereabouts eastward of the said road. The said railway is designated by the number 9 on the said plans:

The construction of bridges or arches with the necessary Road cross-approaches for carrying the roads herein-after mentioned over the ings.  
New Quay Railway:

A public road in the parish of Saint Columb Minor at or near Trelogan;

A public road in the parishes of Saint Columb Minor and Colon at Quintra or Quintrell Downs;

The turnpike road in the parish of Saint Columb Major leading from Truro to Bodmin;

And also for carrying the following roads over the East Wheal Rose Branch of the said New Quay Railway:

A parish road in the parish of Saint Columb Minor at or near Gwills;

A parish road in the parish of New Lyn at or near Beny Mill;

Parish roads in the parish of New Lyn at or near "Matha;"

And for carrying the turnpike road in the parish of Saint Columb Major leading from Truro to Saint Columb at Halewoon under the New Quay Railway.

(B. Railway described on the plans deposited in November 1872 with respect to the New Quay and Cornwall Junction Railway:)

- (6.) A railway 2 miles 4 furlongs and 5 chains in length, wholly situate in the county of Cornwall, commencing by a junction with the said New Quay and Cornwall Junction Railway near the termination thereof at Drinnick Mill in the parish of St. Stephen in Branwell, and terminating by a junction with the New Quay Railway (New Quay and St. Dennis) about 300 yards to the northward of a place called Hendra Crazey in the parish of St. Dennis.



A.D. 1873.

(C. Railways described on the plans deposited in June 1872 with relation to the draft certificate of the Board of Trade :)

(7.) Railway No. 1 on the last-mentioned deposited plans.—A railway about four miles one furlong in length, commencing in the parish of Fowey by a junction with the Lostwithiel and Fowey Railway, at a point sixty yards or thereabouts from the termination of the said last-mentioned railway, and terminating at a point opposite the chimney stack of the Par Lead Smelting Works in the parish of St. Blazey :

(8.) Railway No. 2.—A railway about two miles five furlongs and one chain in length, commencing in the parish of Luxulion, and terminating in the same parish, at a point about one hundred and fifty yards south-eastward of the parish road from Luxulion to Tregorrick at or near a place known as Bridges :

(9.) Railway No. 3.—A railway about six miles one furlong one chain in length, commencing in the parish of St. Austell, and terminating in the parish of St. Columb Major, at or near the point where the existing tramway from New Quay to St. Dennis crosses the turnpike road from Truro to Bodmin :

(10.) Railway No. 4.—A railway four miles seven furlongs in length, commencing in the parish of Newlyn by a junction with the existing tramway from New Quay to East Wheal Rose Mine about eight hundred yards or thereabouts from the termination thereof, and terminating in a field in the parish of Perranzabuloe at a point one hundred and sixty yards or thereabouts to the southward of a mill known as Treamble Mill :

(11.) Railway No. 5.—A deviation railway about one mile two chains in length, wholly in the parish of St. Columb Major, commencing by a junction with the aforesaid tramway from New Quay to St. Dennis seven hundred and fifty yards to the north-west of the point where that tramway crosses the aforesaid turnpike road from Truro to Bodmin, and terminating by a junction with the same tramway at a point one thousand one hundred and seventy yards, measured along the centre of the tramway, to the west of the said point of commencement :

(12.) Railway No. 6.—A junction railway about four furlongs six chains in length, wholly in the parish of St. Columb Minor, commencing by a junction with the existing tram-



way from New Quay to East Wheal Rose Mine, where that tramway crosses the parish road at Trevethic, and terminating by a junction with the aforesaid tramway from New Quay to St. Dennis at a place called Trencreek : A.D. 1873.

Provided always, that the centre line of the railway herein-before numbered (9.) between the points on that railway marked three miles and six miles on the deposited plans shall not be at a less distance from the turnpike road than the distance shown on those plans :

Provided also, that every curve upon any of the railways numbered from (7.) to (12.) inclusive having a radius of twelve chains or less shall be properly guarded to the satisfaction of the Board of Trade by a check rail :

Provided also, that nothing contained in this Act shall enable the Company to enter upon, take, or use any lands for the purposes of the said railways numbered from (7.) to (12.), both inclusive, otherwise than by agreement.

**21.** The Company shall construct and maintain the following stations, with all convenient and proper sidings, points, works, and other conveniences connected therewith respectively ; namely, Providing for certain stations.

A station at the terminus at Melangoose Mill of what is herein-before called the Ratew Branch :

A station at the terminus adjoining or near the works of the Great St. George Clay Company of what is herein-before called the Carbus Branch :

A station near Holywell Barrow where the road from Belowda to Roche crosses the turnpike road from Truro to Bodmin.

**22.** The 11th, 12th, and 13th, and 77th and 78th sections of the Harbours, Docks, and Piers Clauses Act, 1847, are incorporated with this Act ; and the words " harbour, dock, or pier " used in the said sections shall for the purposes of this Act be deemed to mean and include the works hereby authorised to be constructed at or near the Harbour of Fowey in the parish of Fowey ; for the purposes of the railway (7.) herein-before described, and the Company shall exhibit and keep burning from sunset to sunrise such lights (if any) in connexion with the said works as the Corporation of Trinity House of Deptford Strond shall from time to time direct. Providing for works at Harbour of Fowey.

**23.** Subject to the provisions in " The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of " The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the railways carry the same with a double line Power to cross certain roads on the level.



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A.D. 1873.      only across and on the level of the roads next herein-after mentioned;  
(that is to say,)

| No. on deposited Plan. | Parish. | Description of Road. |
|------------------------|---------|----------------------|
|------------------------|---------|----------------------|

RAILWAY No. 1 A.

|             |       |                                         |
|-------------|-------|-----------------------------------------|
| St. Blazey  | - - - | Parish road (Par Bridge).               |
| Tywardreath | - - - | Parish road (St. Blazey Middle Bridge). |
| Tywardreath | - - - | Parish road (St. Blazey Bridge).        |

RAILWAY No. 2 A.

|      |               |       |         |
|------|---------------|-------|---------|
| 16 A | Saint Austell | - - - | Parish. |
|------|---------------|-------|---------|

RAILWAY No. 7.

|      |                    |       |         |
|------|--------------------|-------|---------|
| 15   | Saint Columb Major | - - - | Parish. |
| 11 A | Do.                | - - - | Do.     |

NEW QUAY AND CORNWALL JUNCTION RAILWAY.

|    |            |       |         |
|----|------------|-------|---------|
| 50 | St. Dennis | - - - | Parish. |
|----|------------|-------|---------|

Inclination  
of roads.

24. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

| No. on deposited Plan. | Parish. | Description of Road. | Intended Inclination. |
|------------------------|---------|----------------------|-----------------------|
|------------------------|---------|----------------------|-----------------------|

RAILWAY No. 2 A.

|   |           |       |        |       |          |
|---|-----------|-------|--------|-------|----------|
| 1 | Luxullion | - - - | Parish | - - - | 1 in 14. |
|---|-----------|-------|--------|-------|----------|

RAILWAY No. 9.

|   |       |       |     |       |          |
|---|-------|-------|-----|-------|----------|
| 2 | Colon | - - - | Do. | - - - | 1 in 15. |
|---|-------|-------|-----|-------|----------|

ROAD ALTERATION D.

|   |                  |              |       |          |
|---|------------------|--------------|-------|----------|
| 6 | St. Columb Major | -   Turnpike | - - - | 1 in 20. |
|---|------------------|--------------|-------|----------|

ROAD ALTERATION F.

|   |                  |            |       |          |
|---|------------------|------------|-------|----------|
| 2 | St. Columb Minor | -   Parish | - - - | 1 in 12. |
|---|------------------|------------|-------|----------|

ROAD ALTERATION H.

|             |         |       |     |       |          |
|-------------|---------|-------|-----|-------|----------|
| 2, 3, and 4 | New Lyn | - - - | Do. | - - - | 1 in 10. |
|-------------|---------|-------|-----|-------|----------|

NEW QUAY AND CORNWALL RAILWAY.

|     |                         |     |       |         |
|-----|-------------------------|-----|-------|---------|
| 359 | St. Stephen in Branwell | Do. | - - - | 1 in 8. |
|-----|-------------------------|-----|-------|---------|



25. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,) A.D. 1873.  
Height and span of bridges.

| No. on deposited Plan. | Parish.      | Description of Road. | Height. | Span.    |
|------------------------|--------------|----------------------|---------|----------|
| RAILWAY No. 3.         |              |                      |         |          |
| 21 A                   | Roche        | Turnpike             | 16 feet | 30 feet. |
| RAILWAY No. 9.         |              |                      |         |          |
| 2                      | Colon        | Parish               | 15 feet | 20 feet. |
| RAILWAY No. 7.         |              |                      |         |          |
| 14                     | Saint Dennis | Parish               | 15 feet | 20 feet. |

26. The Company may make the roadway over the bridges by which the following roads will be carried over the railways of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Width of certain roadways.

| No. on Plan.       | Parish.          | Description of Roadway. | Width of Roadway. |
|--------------------|------------------|-------------------------|-------------------|
| RAILWAY No. 2 A.   |                  |                         |                   |
| 1                  | Luxulion         | Parish road             | 20 feet.          |
| 1                  | St. Austell      | Do.                     | 20 feet.          |
| ROAD ALTERATION A. |                  |                         |                   |
| 2                  | St. Columb Major | Parish road             | 20 feet.          |
| ROAD ALTERATION B. |                  |                         |                   |
| 6                  | St. Columb Minor | Parish road             | 20 feet.          |
| ROAD ALTERATION D. |                  |                         |                   |
| 6                  | St. Columb Major | Turnpike                | 25 feet.          |
| ROAD ALTERATION E. |                  |                         |                   |
| 5                  | St. Columb Major | Turnpike                | 30 feet.          |
| ROAD ALTERATION F. |                  |                         |                   |
| 2                  | St. Columb Minor | Parish road             | 18 feet.          |
| ROAD ALTERATION G. |                  |                         |                   |
| 2                  | New Lyn          | Parish road             | 18 feet.          |
| ROAD ALTERATION H. |                  |                         |                   |
| 2                  | New Lyn          | Parish road             | 18 feet.          |



A.D. 1873.

For protec-  
tion of the  
estate of  
Viscount  
Falmouth.

27. Whereas portions of the railways by this Act authorised will pass through lands belonging or reputed to belong to the Right Honourable Evelyn Viscount Falmouth, and the said Viscount has agreed with the Company to grant to them without pecuniary compensation certain lands required for the railways in consideration of the provisions for his protection herein-after contained: Therefore, the following provisions for the protection of the said Viscount and of his estate shall be binding upon the Company, and full effect shall be given thereto:

(1.) Within two years from the passing of this Act, the Company shall complete the construction of the railway numbered (6.) herein-before described with all accommodation and other works heretofore agreed to be provided and constructed by the Cornwall Junction Company in connexion with the said railway numbered (6.), or with any similar line of railway heretofore authorised in the district.

(2.) The railways numbered (3.) and (4.) herein-before described shall be constructed with good, durable materials and otherwise efficiently in all respects to the satisfaction and approval of the engineer or steward of Viscount Falmouth; and the several stations, sidings, points, and other conveniences herein-before described shall be constructed in the positions and manner directed by and shall be subject in all respects to the approval of such engineer or steward as aforesaid: Provided always, that the certificate of the inspector or other proper officer of the Board of Trade shall be accepted by such engineer or steward as aforesaid as conclusive and binding as to any statements which may be contained in the said certificate.

(3.) The Company shall commence the construction of the said railways numbered (3.), (4.), and (6.), and the additional works connected therewith, within three months from the passing of this Act, and shall thenceforth continue to carry on the same without intermission, unless prevented by inevitable accident, and then ceasing only until such accident can be remedied or repaired.

(4.) The sum of twelve thousand pounds deposited by or on behalf of the Company, and now standing at the bank in Lombard Street of Messieurs Glyn, Mills, Currie, and Company, in the joint names of Alexander Clunes Sherriff and Viscount Falmouth, shall be and continue a fund in trust for the following purposes; (that is to say,)

First. To secure the due and proper completion by the Company within a period of two years from the passing of this Act



of the railways numbered (3.) and (4.) herein-before authorised, and of the several stations and works herein-before described :

Second. To be transferred by the said Alexander Clunes Sherriff and Viscount Falmouth to the Company, or otherwise applied as the Company may direct, in case the said railways numbered (3.) and (4.) and additional works shall be completed within the said period of two years from the passing of this Act :

Third. Until the expiration of the said period of two years the interest of the said trust fund shall be received by the Company :

Fourth. In case the Company shall fail in the construction and completion of such railways as aforesaid within the said period of two years, the said trust fund of twelve thousand pounds shall, immediately on the expiration of such period of two years, be absolutely forfeited, and belong and be paid to the said Viscount Falmouth, his executors, administrators, or assigns, as and for liquidated damages for breach of the provisions of this enactment and not by way of penalty, and thereupon the Company shall forthwith give or, at their expense, obtain and deliver to the said Viscount Falmouth, his heirs, executors, administrators, or assigns, the necessary and proper order for transferring the same sum in the books of the said bank to the account or credit of the said Viscount Falmouth, his heirs, executors, administrators, or assigns, and for enabling him or them to receive the same or otherwise as he or they or any of them shall direct in that behalf.

(5.) The Company shall not divert or interfere with any springs or streams of water in or flowing through the land of the said Viscount Falmouth, excepting so far as may be unavoidable in the construction and maintenance of the railways, and shall execute such works for the remedying of any inevitable diversion or interference as the said Viscount Falmouth, his heirs or assigns, or his or their steward or agent, shall reasonably prescribe ; and the Company shall execute such works as shall be reasonably required by the tenants, grantees, or licensees of the said Viscount Falmouth now or hereafter engaged in working any mines, quarries, or clay-works, for the working and using any flat rods or other machinery under or over the said railways and sidings ; and the Company shall make full compensation for all damage or injury which they may do or occasion, or which may arise from any act or neglect of the Company, their servants, agents, or persons in their employ, to the lands or premises, cattle, or other property of the said Viscount Falmouth, his heirs or assigns, or of his or their tenants, grantees, or licensees.



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(6.) The Company shall from time to time and at all times after the construction of the railways by this Act authorised daily run over and along the said railways respectively such a number of up and down trains as shall be sufficient for the traffic requirements of the districts through which the said railways pass.

(7.) The Company shall at all times and at their own expense provide all suitable and proper means and appliances, including engines, trucks, cranes, and other machinery, necessary and proper for the loading, unloading, and carriage of minerals, clay, china clay, china stone, and other stone, coals, timber, and other commodities of all kinds required by the traffic of the districts traversed by their railways respectively, and shall also from time to time and at the like expense construct such sidings and in such positions as may be required by the said Viscount Falmouth, his heirs and assigns, or his or their engineer or steward, for the necessary accommodation of the mines or clay or other works worked within the lands of the said Viscount Falmouth, and shall supply all necessary points, turntables, cranes, and other machinery, tools, tackle, and materials necessary or convenient for loading and unloading at such sidings, and when thereunto requested by the tenants, grantees, licensees, or agents of the said Viscount Falmouth, his heirs or assigns, (but subject to the reasonable traffic arrangements to be made in respect of the management as a whole of the Company's lines,) shall bring to and leave for a reasonable period at such sidings respectively all such suitable trucks as shall be required for loading and unloading at such sidings respectively; and the Company shall afford and provide all due and reasonable facilities and conveniences for enabling such tenants, grantees, and licensees to obtain the full benefit of the Company's railways for the carriage of metals, minerals, and clay of every kind, as well as of stone, coals, machinery, and all other commodities whatsoever.

(8.) The Company shall not charge or impose upon any tenants, grantees, or licensees of the said Viscount Falmouth any wayleave, rent, or other imposition in the nature thereof, but shall have, make, and charge one uniform rate for carriage of metals, minerals, and clays of all kinds, and of coals, timber, and stone per mile, and except and unless with the written consent of the said Viscount Falmouth, his heirs or assigns, or his or their steward or agent, such rate of carriage shall in no case exceed the sum of threepence per ton per mile; and the Company shall not under any circumstances whatsoever, directly or indirectly, give to any landowner through whose land the lines of railway by this Act authorised or any of them may pass, nor to the tenants, grantees, agents, or



licensees of any such landowner, any advantages as regards the tonnage or method or rate of carriage of goods, metals, minerals, clays of any kinds, coals, timber, machinery, or materials of any kind, other than such and the same advantages as shall be given by the Company to the said Viscount Falmouth, his heirs or assigns, and his or their tenants, grantees, agents, and licensees.

(9.) The Company shall, if and when required to do so, produce to the said Viscount Falmouth, his heirs and assigns, and his and their agents, all day books, ledgers, or other books of the Company containing entries of minerals, china clay, china stone, granite, or other stone, or any other goods materials carried or conveyed by the Company for any of the tenants, agents, grantees, lessees, or licensees of the said Viscount Falmouth, his heirs or assigns; and shall, at their own expense, furnish to the said Viscount Falmouth, his heirs and assigns, true copies of or extracts from all or any of such deeds, books, or documents whensoever required.

(10.) Nothing herein contained shall prejudicially affect the right of any tenant or occupier of lands of the said Viscount Falmouth to compensation for all damage done to the lands in their respective occupations, and also for all land entered upon, taken, or used for the purposes of this Act, such compensation to be ascertained by arbitration in manner prescribed by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement.

(11.) Sections 77 to 85, both inclusive, of "The Railways Clauses Consolidation Act, 1845," shall apply to all mines, metals, metallic minerals, and substrata within or under any of the lands or undivided parts or shares of lands herein-before referred to, and which may be acquired by the Company from the said Viscount Falmouth.

(12.) In case the Company shall at any time hereafter abandon or cease to use the lines of railway hereby authorised, or any of them, or any works in connexion therewith which shall have been constructed or commenced upon lands belonging to the said Viscount Falmouth, the Company shall within twelve months next after such abandonment or cesser, if thereunto required by notice from the said Viscount Falmouth, his heirs or assigns, or his or their steward for the time being, reinstate and restore all the lands and premises connected with the lines of railway or works so abandoned or ceased to be used to their original state, by replacing the mould and meat earth thereof, and otherwise to the satisfaction of such steward as aforesaid: Provided always, that this enactment shall not have the effect of taking away or diminishing any remedies at law or otherwise possessed by the said Viscount Falmouth, his heirs or assigns.



[Ch. clxii.] *The Cornwall Minerals Railway* [36 & 37 Vict.]  
Act, 1873.

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(13.) The costs and expenses of the said Viscount Falmouth of the said memorandum of agreement of the twenty-fifth day of July one thousand eight hundred and seventy-two, and all costs, and expenses incurred by him or to be incurred by him, his heirs and assigns, in carrying out the same, and otherwise in connexion therewith, including all expenses of any abstract or abstracts of title, and of procuring and furnishing evidence of title, and of any further agreements or conveyances, and all solicitors and engineers or surveyors charges and expenses, and for maps and plans, if any, shall be paid and borne by the Company.

For protection of owners of Rosemellion Estate.

28. If any rights of or connected with the taking of water from any streams or watercourses, to which rights the owner or owners for the time being of the Rosemellion Estate in the parish of Roche in the county of Cornwall are or may be entitled, shall be at any time hereafter directly or indirectly interfered with by the execution or maintenance of the works by this Act authorised, the Company shall from time to time execute and maintain such works and do all such things as may be necessary for enabling the said owner or owners aforesaid to exercise the rights so interfered with, and if any difference shall arise between the said owner or owners and the Company with reference to the works or things to be executed or done as aforesaid, such difference shall be determined at the expense of the Company by arbitration, in manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Notice to be given of taking houses of labouring classes.

29. 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 certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to take easements, &c. by agreement.

30. Subject to the provisions of this Act, 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," grant to the Company any easement, right, or privilege 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.



**31.** 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-two, several sums of money have been transferred to the account of Her Majesty's Paymaster General on behalf of the Court of Chancery in England, namely, the sum of 3,072*l.* three per cent. consolidated Bank annuities, being five per cent. upon the amount of the estimate in respect of the railways numbered (1.), (2.), (3.), (4.), and (5.) hereby authorised, and a sum of 1,723*l.* three per cent. consolidated Bank annuities in respect of railway numbered (6.) hereby authorised, that railway having been proposed to be constructed under the powers of a Bill promoted in the present session of Parliament, under the name of the New Quay and Cornwall Junction Railway Transfer Bill, which Bill was during its progress consolidated with this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sums of money so transferred as aforesaid shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrants or orders issued in pursuance of the said Act, or the survivors or survivor of them respectively, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital which they are authorised to raise by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital, and if the said period shall expire before the Company shall either have opened the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sums of money deposited as aforesaid shall be applied in the manner hereafter specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1873.  
Deposit money not to be repaid until lines opened or half the capital paid up and expended.

**32.** The said sums of money transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for

Application of deposit.



A.D. 1873. which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sums of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sums of money, or such portions thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; Provided that until the said sums of money have been repaid to the depositors, or have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrants or orders as aforesaid, or the survivors or survivor of them.

Period for  
completion  
of works.

**33.** If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers of this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided always, that nothing in this section contained shall be deemed to extend the time limited by any other section of this Act for the construction or completion of any railway by this Act authorised.

Transfer of  
Cornwall  
Junction  
Railway to  
Company.

**34.** From and after the passing of this Act, the undertaking of the Cornwall Junction Company, and all the railways, branches, and extensions, stations, sidings, approaches, buildings, fixed plant, and all other works, whether complete or incomplete, and all the land, and all other the property, estate, moneys, and effects, whether real or personal, which at the time of the passing of this Act belonged to or were vested in the same company, or which they have power to acquire, and all rights, powers, and privileges, interest, or estate which the same company enjoys or is entitled to exercise over other



undertakings, are hereby transferred to the Company incorporated by this Act, with the benefit of all contracts and engagements entered into by or on behalf of the Cornwall Junction Company, and subject to the contracts, obligations, debts, and liabilities of the Cornwall Junction Company. A.D. 1873.

**35.** The following shall be the conditions of the said transfer: Conditions of transfer.

(1.) The Company shall, within six months after the passing of this Act, pay to the creditors of the Cornwall Junction Company, other than creditors under any mortgages or statutory bonds, all debts due to the said creditors in cash, and all such debts shall from the first day of July 1872 bear interest at the rate of six per centum per annum until the same are discharged:

(2.) All mortgages and statutory bonds of the Cornwall Junction Company shall remain a charge upon the undertaking transferred until the same are discharged, and they shall continue to bear the rate of interest reserved in or due upon them respectively:

(3.) The Company shall pay to the directors of the Cornwall Junction Company, on the receipt of any three of them, for the year commencing the first day of July 1873, the sum of 180*l.* by way of dividend, at the rate of 1*l.* per centum, upon their shares amounting to 18,000*l.*, and the sum of 360*l.* for the year commencing on the first day of July 1874 by way of dividend, at the rate of 2*l.* per centum, and the sum of 540*l.* for the next following year by way of dividend, at the rate of 3*l.* per centum, and in the subsequent and all subsequent years the sum of 720*l.* by way of dividend, at the rate of 4*l.* per centum per annum; and such yearly payments shall rank next after the interest upon all mortgages and debenture stock of the Company, and after any preferences created before the passing of this Act; and the directors of the Cornwall Junction Company shall divide the said yearly sums rateably among the shareholders of the same company, and the Company hereby incorporated shall not be required to see to the application or be liable for the misapplication of the said several yearly payments.

**36.** If the said yearly sums are not duly paid, the Cornwall Junction Company may recover the same by action in any court of competent jurisdiction, or by distress upon any goods of the Company which may be found upon the undertaking of the Cornwall Junction Company hereby transferred. As to remedies of Cornwall Junction Company.

**37.** From and after the passing of this Act, the Cornwall Junction Company shall not issue any further capital or make any calls Prohibiting further calls, &c. by Corn-



A.D. 1873.

wall Junction Company.

Providing for excess of liability.

Saving agreements.

Providing for mixed gauge.

Providing for creation of rent-charge stock.

upon shares already issued in their capital, nor shall they borrow any money by mortgage or other charge upon their undertaking.

**38.** If the mortgages and statutory bonds of the Cornwall Junction Company exceed five thousand three hundred and fifty pounds, the Company may, out of their yearly payments to the Cornwall Junction Company, deduct sufficient sums to meet the interest on any excess beyond that sum.

**39.** All agreements made by the Cornwall Junction Company with any landowners or others with respect to the construction of the railway of that company, or the use thereof, or otherwise in respect thereto, shall be as valid and effectual for and against the Company as they were for or against the Cornwall Junction Company; and where any such agreements specify a time at which the railway shall be completed, such time being less than five years from the passing of this Act, the breach of such stipulation shall not be deemed to vacate the other provisions of the said agreements, and the remedy in respect of such breach shall be in damages only: Provided always, that nothing in this section contained shall authorise the Company to defer or postpone for a longer period than two years from the passing of this Act the construction of the accommodation and other works agreed to be provided and constructed by the Cornwall Junction Company, and herein-before mentioned or referred to in connexion with the railway numbered (6.)

**40.** The Company shall lay down and for ever maintain upon the railway numbered (6.), namely, between Drinnick Mill and Hendra Crazey, and upon the railway of the Cornwall Junction Company hereby transferred, lines of rails adapted to the working of the said railways upon the narrow gauge of 4 feet 8½ inches as well as upon the broad gauge of seven feet, and such lines of rails shall be adapted to and shall be capable of affording free and convenient transit thereon for trucks and carriages built and constructed for either of the said gauges: Provided that if the broad gauge shall cease to be used upon the Cornwall Railway with which the said railway of the Cornwall Junction Company forms a junction, the Company shall no longer be required to maintain the said broad gauge on the railways aforesaid.

**41.** The Company may create and issue a stock of the nature of a rentcharge stock, and not exceeding in amount twenty-five thousand pounds, and the said stock shall bear interest at a rate not exceeding six per centum per annum, and shall be a charge upon the revenues derived from the undertaking of the Cornwall Junction



Company hereby transferred, and from the railway numbered (6.) hereby authorised, and the interest thereon shall rank next after the interest upon any mortgage or other debts or debenture stock now charged upon the said undertaking or railway, and any renewals thereof, and the said rentcharge stock, or the money derived by the Company from the issue thereof, shall be applied to the discharge of the arrears of interest and simple contract debts due from the Cornwall Junction Company at the time of the passing of this Act. A.D. 1873.

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

For the use of railways or any part thereof :

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

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

Class 3. For all grain, corn, flour, meal, and potatoes, hay and straw, seeds, vetches, peas, salt, and all other goods, wares, merchandise, and other articles, matters, or things whatsoever, fourpence a ton a mile :

Class 4. For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried on any truck or platform, threepence one farthing a ton a mile, and for every additional quarter of a ton beyond the first for which any such carriage may weigh, one penny a ton a mile :

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

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



[Ch. clxii.] *The Cornwall Minerals Railway* [36 & 37 VICT.]  
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Tolls for  
passengers.

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

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

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

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

Maximum  
charges.

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

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

For goods comprised in class 3, sixpence a ton a mile :

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

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

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

For every animal comprised in class 5, threepence a mile :

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

Regulation  
as to the  
tolls.

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

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

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

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

For a fraction of a ton the Company may demand and take toll according to the number of quarters of a ton in such fraction,



and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton: A.D. 1873.

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

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

**45.** With respect to small packages and single articles of great weight, the Company may demand and take not exceeding the tolls following; (that is to say,) for the carriage of small parcels (that is to say, parcels not exceeding five hundredweight each): Tolls for small parcels and single articles of great weight.

If not exceeding seven pounds in weight, threepence:

If exceeding seven but not exceeding fourteen pounds, fivepence:

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

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

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

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

For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sum as the Company may think fit, not exceeding sixpence a ton a mile:

For the carriage of any single article, the weight of which, with the carriage, exceeds eight tons, such sum as the Company may think fit.

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

**47.** In addition to the tolls and charges herein-before authorised, a reasonable charge is to be payable for the loading, covering, and unloading of goods at any station being a terminal station in respect Terminal stations.



[Ch. clxii.] *The Cornwall Minerals Railway* [36 & 37 Vict.]  
Act, 1873.

A.D. 1873. of such goods, and for delivery and collection and any other services incidental to the business or duty of a carrier where such services or any of them are or is performed by the Company. A station is not to be considered a terminal station in respect of goods unless they are received there direct from the consignor, or are directed to be delivered there to the consignee.

Passengers  
luggage.

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

Higher  
charges by  
agreement.

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

Providing  
for Commis-  
sioners of  
Inland  
Revenue.

50. Within three months from the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's Printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking of the Cornwall Junction Company had been by a deed of conveyance; and if the said Company shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid the ad valorem stamp duty shall be recoverable from the said Company, with full costs of suit, and all costs and charges attending the same.

Saving the  
rights of the  
Duchy of  
Cornwall.

51. Nothing contained in this Act, or in any Act or Acts incorporated herewith, or herein mentioned or referred to, 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 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.

A.D. 1873.

52. Nothing in this Act contained shall exempt the 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 by this Act.

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

53. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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."

Interest not to be paid on calls paid up.

54. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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

55. 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.

Expenses of Act.



