



CHAPTER clxxxviii.

An Act for incorporating the Saint Austell and Pentewan Railway, Harbour, and Dock Company; and for other purposes. A.D. 1874.
[7th August 1874.]

WHEREAS a company has been formed under "The Companies Acts, 1862 and 1867," by the name of the Pentewan Railway and Harbour Company, Limited (in this Act called the limited company), the objects for which the limited company were established being (amongst others) to acquire the lease of and to become lessees of or to purchase the undertaking called or known as the Saint Austell and Pentewan Railway or Tramway and Harbour, to improve, extend, and alter any harbour or dock, railway, or tramway belonging or leased to them, to convert tramways into railways adapted for the use of locomotives or other engines, to form and work new tramways and railways, to apply for and obtain one or more Act or Acts of Parliament reincorporating the limited company, and empowering it to carry out its undertaking, or any part thereof, with the sanction of Parliament, and to carry goods and passengers on any railway or tramway belonging or leased to the limited company, and generally to act as common carriers :

And whereas the undertaking of the limited company comprises and includes the tramway called or known as the Saint Austell and Pentewan Railway or Tramway, extending from Saint. Austell to Pentewan, and the harbour, dock, and works known as the Pentewan Harbour and Dock, situate at Pentewan, all in the county of Cornwall, and the limited company have contracted for the improvement of the said tramway, and for the adaptation of the same to locomotive engines, and progress has been made and capital expended in such improvement and adaptation :

And whereas the nominal capital of the limited company consists of thirty thousand pounds, divided into six thousand shares

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of five pounds each, of which six thousand one hundred and fifty pounds have been subscribed, and five thousand one hundred and fifty pounds paid up :

And whereas the limited company have not borrowed any money on mortgage or bond :

And whereas the conversion of the said tramway into a railway adapted to locomotive engines, and the making and maintaining of the railways by this Act authorised, would be of public and local advantage :

And whereas it is expedient that the limited company should be dissolved, and that a company (herein-after called "the Company") should be incorporated as by this Act provided, and authorised to make and maintain the proposed railways, and to acquire, hold, and use the harbour, dock, and works connected therewith at Pentewan, now held by the limited company, and otherwise to carry the undertaking into execution :

And whereas by reason of the high summit level of the railway, and the steepness of the gradients occasioned thereby, the expenses of working the railway will be considerably increased, and under these circumstances it is expedient that the Company be authorised to demand and take in respect of the railway the tolls by this Act authorised :

And whereas it is expedient that such further provision should be made with respect to the Company and their undertaking as is in this Act contained :

And whereas plans and sections of the proposed railways and works, showing the lines and levels thereof, and the lands which may be taken for the purposes of this Act, and also books of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands, have been deposited with the clerk of the peace for the county of Cornwall, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Saint Austell and Pentewan Railway, Harbour, and Dock Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to life-boats, and with respect to providing a tide or weather gauge, shall not be in force for the purposes of this Act, except so far as may from time to time be required by the Board of Trade.

Interpretation of terms.

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

The expression "the railway" means the railways and works by this Act authorised:

The expression "the dock" means the harbour, dock, and works connected therewith, now held by the limited company, and by this Act authorised to be held by the Company:

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

Company incorporated.

4. From and after the passing of this Act the limited company shall be dissolved, and the several persons and corporations who immediately before the passing of this Act were members of that company, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking of the Company, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Saint Austell and Pentewan Railway, Harbour, and Dock Company," and by that name shall be a body corporate, with perpetual succession and a common seal, with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their

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undertaking shall be called "The Saint Austell and Pentewan Railway, Harbour, and Dock."

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

5. Subject to the provisions of this Act, all the lands, tramways, railways, docks, harbours, quays, buildings, rights, and easements which, immediately before the passing of this Act, were vested in the limited company, whether in fee or for a term of years, or to which the limited 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 limited company, or to any trustee on their behalf, and the benefit of all contracts and engagements entered into by or on behalf of the limited company, and immediately before the passing of this Act in force, 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 limited company, or any trustee on their behalf, 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.

Memorandum and articles of association of the limited company to be void without prejudice to remedies for antecedent breaches thereof.

6. Subject to the provisions of this Act, the memorandum and articles of association of the limited company shall, as to any prospective operation thereof, be wholly void, and the Company and the shareholders shall be exempted from all the provisions, restrictions, and requirements of any Act which applied to the limited company and the members thereof as such; but nothing in this Act contained shall release or discharge any person from any liability or obligation in respect of any breach of the provisions of the said memorandum or articles of association incurred before the passing of this Act, but such liability or obligation in respect of any such breach shall continue, and, save as in this Act otherwise provided, may be enforced by or on behalf of the Company as nearly as may be in like manner as the same might have been enforced by or on behalf of the limited company if this Act had not been passed.

Nothing to affect previous rights and liabilities.

7. Except as is by this Act otherwise expressly provided, everything before the passing of this Act done or suffered by or with reference to the limited company or the members thereof as such, shall be as valid as if the Company had not been incorporated and the said memorandum and articles of association had not been

avoided by this Act, and such incorporation and avoidance and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the Company were not incorporated, and the said memorandum and articles of association were not avoided by this Act, and this Act were not passed, would be incident to or consequent on any and every thing so done or suffered; and with respect to all such rights, liabilities, claims, and demands the Company and its shareholders and property shall to all intents and purposes represent the limited company and the members thereof as such, and the property of the limited company, as the case may be, and the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act.

8. Except as is by this Act otherwise specially provided, all purchases, sales, conveyances, grants, assurances, deeds, contracts, bonds, and agreements entered into or made before the passing of this Act by, to, or with the limited company, or any trustees or persons acting on behalf of the limited company, or by, to, or with any other person to whose rights and liabilities they have succeeded, and now in force, shall be as binding and of as full force and effect in every respect against or in favour of the Company, and may be enforced as fully and effectually, as if instead of the limited company, or the trustees or persons acting on behalf of the limited company, the Company had been a party thereto.

Contracts prior to Act to be binding.

9. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity which was pending by or against the limited company, or any member thereof in relation to the affairs of the limited company, or to which the limited company, or any member thereof in relation to such affairs were parties immediately before the passing of this Act, but such action, suit, or other proceeding may be maintained, prosecuted, or continued by or in favour of or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the limited company, or any member thereof, if this Act had not been passed, the Company and the shareholders therein being in reference to the matters aforesaid in all respects substituted for the limited company and its members respectively.

Actions, &c. not to abate.

10. Every trustee or other person in whom or in whose name any lands, works, buildings, easements, rights, property, or effects

Trustees of limited company

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to be indemnified.

belonging to the limited company were vested immediately before the passing of this Act, and who (being authorised so to do) entered into any bond, covenant, contract, or engagement in respect of the same or otherwise on behalf of the limited company, shall be indemnified out of the funds and property of the Company against all liability (including costs, charges, and expenses) which he may sustain or incur or be put unto by reason of his having entered into such bond, covenant, contract, or engagement.

Company to satisfy liabilities of limited company.

11. From and after the passing of this Act, and except as is by this Act otherwise expressly provided, the Company shall in all respects be subject to and shall discharge all obligations and liabilities to which the limited company immediately before the passing of this Act were subject, and shall indemnify the members, directors, officers, and servants of the limited company and their respective representatives from all such obligations and liabilities, and from all expenses and costs on that behalf.

As to payment of debts owing before passing of Act.

12. All persons who immediately before the passing of this Act owed any money to the limited company, or to any person on their behalf, shall pay the same, with all interest (if any) due or accruing upon the same, to the Company, and all debts and moneys which immediately before the passing of this Act were due or recoverable from the limited company, or for the payment of which the limited company were or but for this Act would be liable, shall be paid, with all interest (if any) due or accruing upon the same, by or be recoverable from the Company.

Certificates to remain in force.

13. Notwithstanding the avoidance of the said memorandum and articles of association, all certificates (until cancelled under the powers of this Act), sales, transfers, and dispositions heretofore made or executed under them for and with respect to any shares in the limited company shall remain in full force, and continue and be available in all respects as if they had not been avoided.

Books, &c. continued evidence.

14. All documents, books, and writings which, if the said dissolution and avoidance had not taken place, would have been receivable in evidence, shall be admitted as evidence in all courts of law and equity and elsewhere, notwithstanding such dissolution and avoidance.

Officers to continue until removed.

15. All officers and servants of the limited company who were in office immediately before the passing of this Act shall hold and enjoy their respective offices and employment, together with the salaries and emoluments thereunto annexed, until they shall resign the same or be removed therefrom by the Company, and shall be

subject and liable to the like conditions, obligations, pains, and penalties, and to the like powers of removal, and to the like rules, restrictions, and regulations in all respects whatsoever as if they had been appointed under this Act.

16. The books kept by the limited company for entering the names and designations of the members thereof, with the numbers of their shares and the proper distinguishing number of such shares, shall and may continue to be kept for the same purpose by the Company, and shall, until some other register of shareholders shall be provided by the Company, be taken and considered as the register of shareholders required to be kept by "The Companies Clauses Consolidation Act, 1845."

Present registers of members to be continued.

17. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Capital.

18. Subject to the provisions of this Act, so many shares of the said capital as are equal in nominal amount to the number of shares of the limited company allotted and accepted up to the time of the passing of this Act shall be appropriated to and vested in the several persons who immediately before the passing of this Act were the registered members of the limited company, in the proportion of one share for every two existing shares of the limited company, and every share so vested shall be subject to the same liability for calls, and subject and liable to the same trusts, powers, provisions, declarations, agreements, charges, liens, and incumbrances, as immediately before the passing of this Act affected the shares for which the same is substituted, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Vesting of old shares in present shareholders.

19. 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.

20. Except the shares appropriated for shares in the limited company as aforesaid, the Company shall not issue any share

Shares not to issue until one

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fifth shall
have been
paid up.

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

Calls.

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

Receipts on
behalf of
incapacitated
persons.

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

Power to
divide shares.

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

Dividend on
half shares.

24. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

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

25. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first

day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

26. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

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

Terms of issues to be stated on certificates.

28. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

30. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

31. The Company may from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand six hundred pounds, but no part thereof shall be borrowed until the whole

Power to borrow on mortgage.

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capital of 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 40th section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share 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 appointment of a receiver.

32. 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 two thousand pounds in the whole.

Power to create debenture stock.

33. 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.

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

First and subsequent meetings.

35. The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March, and August or September, as the directors may appoint.

Number of directors.

36. The number of the directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than three.

37. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Qualification of directors.

38. The quorum of a meeting of directors shall be four, and if the number of directors is reduced to three the quorum shall be two.

Quorum of directors.

39. Robert Bayman, Thomas Tristrem Spry Carlyon, Timothy Lark, Richard Martyn, James Alfred Pittis, Edward Stocker, and William Trethewy shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present personally or by proxy shall (subject to the power hereinbefore 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 died or 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.

40. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and works herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose: Provided that it shall not be lawful for the Company to enter upon, take, or use any lands, not being turnpike roads or public highways, for the purposes of the railways numbered 4, 6, 7, and 8 respectively, except by agreement with the owners, lessees, and occupiers thereof, but nothing herein contained shall prevent or interfere with the carrying of those railways across any turnpike road or public highway. The railways and works herein-before referred to and authorised by this Act are,—

Power to make railways and works.

A railway (No. 1); the conversion into a railway adapted to locomotive engines of the tramway called or known as the Saint Austell and Pentewan Railway or Tramway, three miles

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—
six furlongs eleven yards in length, commencing in the parish of Saint Austell at or near the dock gates of the Pentewan Harbour and Docks, and terminating in the said parish and town of Saint Austell, forty-four yards or thereabouts from and on the south-eastern side of the road called the Western Hill :

A railway (No. 2), one mile four furlongs two chains nine yards in length, commencing in the parish of Saint Austell by a junction with the railway (No. 1) twenty-five yards or thereabouts from and to the south of the termination thereof, and terminating in the said parish of Saint Austell in the plot of ground numbered 3669 on the tithe map of that parish, and forming a junction with railway No. 3 :

A railway (No. 3), two miles six furlongs two chains eleven yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 2), and terminating in the said parish of Saint Austell at or near the turnpike road leading from Saint Austell to Bodmin :

A railway (No. 4), one furlong one chain seventeen yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 3), and terminating in the said parish of Saint Austell at or near the Dry of the Nine Stones Clay Works :

A railway (No. 5), three furlongs nine chains sixteen yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 3), and terminating in the said parish of Saint Austell near the Saint Austell Station of the Cornwall Railway, and on the west side of the Tregonissey Road :

A railway (No. 6), one furlong and seven yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 3), and terminating in the said parish of Saint Austell at or near the Dry of the Wheal Martyn Clay Works :

A railway (No. 7), four furlongs two chains seven yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 3), and terminating in the said parish of Saint Austell at or near the Dry of the Gun Heath Clay Works :

A railway (No. 8), two furlongs two chains eight yards in length, commencing in the said parish of Saint Austell by a junction with railway (No. 3), and terminating in the said parish of Saint Austell by a junction with railway (No. 4).

Lands for extraordinary purposes

41. 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 three acres.

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42. 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 compulsory purchase of lands.

43. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to 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 railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

Power to cross certain roads on the level.

No. on deposited Plans.	Parish.	Description of Road.
18	Saint Austell - - -	Public road.
59	Saint Austell - - -	Public road.
10	Saint Ewe - - -	Public road.

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

Inclination of roads.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
381	Saint Austell -	Public road -	1 in 8 on one side and level on the other.
451	Saint Austell -	Turnpike road -	1 in 19.

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

Height and span of bridges.

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
302	Saint Austell -	Public road -	15 feet -	20 feet.
339	Saint Austell -	Turnpike road -	16 "	30 "
405	Saint Austell -	Public road -	15 "	15 "
418	Saint Austell -	Turnpike road -	16 "	30 "
439	Saint Austell -	Public road -	15 "	20 "
479	Saint Austell -	Turnpike road -	16 "	30 "

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Width of
certain road-
ways.

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

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
105	Saint Austell	- Public road - -	16 feet.
177	Saint Austell	- Public road - -	20 "
188	Saint Austell	- Turnpike road - -	25 "
200	Saint Austell	- Public road - -	15 "
381	Saint Austell	- Public road - -	15 "
451	Saint Austell	- Turnpike road - -	25 "

Provision as
to deviation
with consent
of owners,
&c.

47. In constructing railway No. 1 by this Act authorised between the points two miles seven furlongs and three miles five furlongs, as shown on the deposited plans, in the parish of Saint Austell, the Company may, with the consent of the owners, lessees, and occupiers of the lands, construct the same beyond the limits of deviation delineated on the said plans, in the manner and to the extent and according to the levels shown on a plan and section signed in duplicate by the Right Honourable Lord Redesdale (chairman of the committee of the House of Lords to whom the Bill for this Act was referred), one copy of which plan and section has been deposited in the Parliament Office of the House of Lords, and the other copy whereof shall be deposited by the Company with the clerk of the peace for the county of Cornwall within one month after the passing of this Act.

For the pro-
tection of
the Cornwall
Railway
Company.

48. For the protection of the Cornwall Railway Company. (herein-after called the Cornwall Company) the following provisions shall have effect:

- (1.) So much of railway No. 5 as lies between the point near the eastern end of the Saint Austell Viaduct of the Cornwall Railway, where the said railway No. 5 is shown upon the deposited plans as intersecting the northern slope of the cutting of the Cornwall Railway, and the road numbered on the deposited plans 474, in the parish of Saint Austell, may in the first instance be constructed by means of wooden staging along the said northern slope of the cutting on the Cornwall Railway, and may be carried under the said road, through the existing bridge of the Cornwall Company: Provided that the Company shall, nevertheless, simultaneously

with the construction of the said portion of railway No. 5 make another bridge or opening under the said road north of the said existing bridge at a point to be agreed on between the engineers of the two companies, for the purposes of the alteration of the railway, staging, and works of the Company hereinafter provided for :

- (2.) If at any time hereafter the Cornwall Company desire to widen any part of their said cutting along which the said railway No. 5 may have been constructed, for the purpose of doubling or laying down additional rails upon and on the northern side of their railway, the Company shall at their own expense in all things remove so much of their railway and of the said staging and other works as may be required by the Cornwall Company for the purpose of such widening, and may and shall replace and reconstruct the same by the same means upon the northern slope of the said cutting when so widened :
- (3.) So much of railway No. 5 as lies eastward of the said road numbered 474, and may have to be constructed upon lands belonging to the Cornwall Company, or which that Company may, under any Act already passed or which may be passed during the present session, be authorised to acquire, together with such works in connexion therewith as may be necessary for the convenient transfer of traffic from and to the railway of the Company to and from the Cornwall Railway, shall be so constructed as to admit of the extension and enlargement of the Saint Austell Station of the Cornwall Company, and subject thereto in such line and according to such levels within the limits of deviation authorised by this Act, or on the aforesaid lands, and according to such plans and specifications, as the Cornwall Company shall, by writing under their common seal, have previously approved of, or, as in case of difference, shall be settled by arbitration in the manner hereinafter provided :
- (4.) The said two portions of railway No. 5 shall be constructed under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Cornwall Company, but, except as herein-after provided, in all respects at the costs of the Company : Provided that the additional cost occasioned by the construction of any works that may require to be so constructed on a gauge different to the gauge of the railways by this Act authorised shall be borne by the Cornwall Company :

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- (5.) The Company shall not, except by agreement, purchase, enter upon, take, or use for any of the purposes of this Act any of the lands of the Cornwall Company, or lands which that Company are or may be as aforesaid authorised to acquire; but the Company may purchase and take, and the Cornwall Company may and shall sell and grant to them, an easement in or right of using such of the aforesaid lands as may be necessary for the purpose of making and maintaining railway No. 5, and the before-mentioned works in connexion therewith, in the manner herein-before provided for :
- (6.) Railway No. 5 and the works to be executed under the provisions of the preceding sub-sections of this section shall be completed and opened for traffic not later than the completion and opening for traffic of the railways No. 2 and No. 3 by this Act authorised :
- (7.) All works in, upon, or under the lands of the Cornwall Company for the purpose of carrying railways No. 2 and No. 3 under the Cornwall Railway shall be executed under the superintendence and to the reasonable satisfaction in all respects of the engineer for the time being of that Company, and at the expense of the Company, and according to plans and sections to be submitted by the Company to the said engineer, and to be reasonably approved of by him, in writing under his hand, before any of those works are begun : Provided always, that such plans and sections shall be approved or disapproved within one month after the same shall have been submitted to such engineer :
- (8.) The Company shall at all times maintain so much of railways No. 2 and No. 3 as passes under the Cornwall Railway, and so much of the railway No. 5 as adjoins the Cornwall Railway, and the works connected with those portions of railways respectively, in substantial repair and good order and condition, to the reasonable satisfaction in all respects of the engineer of the Cornwall Company; or if and whenever the Company fail so to do, the Cornwall Company may make and do, in and upon as well the lands of the Company as their own lands, all such works and things as they may reasonably think requisite in that behalf, and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company, and in default of full payment the amount due may be recovered with full costs by the Cornwall Company from the Company in any court of competent jurisdiction :

(9.) The Company shall not, in the execution or in the maintenance of the works by this Act authorised, in any manner obstruct or interfere with the maintenance or the free, uninterrupted, and safe user of the Cornwall Railway, or impede or prevent the convenient passage of engines, carriages, or waggons along that railway, and the Company shall pay to the Cornwall Company the sum of ten pounds per hour by way of ascertained damages for every hour during which such obstruction or interference shall continue, and any such obstruction or interference may be summarily removed or remedied by the Cornwall Company, but at the cost of the Company in all things :

(10.) Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, privileges, powers, or authorities of the Cornwall Company :

(11.) Any difference that may arise between the two Companies as to the true intent and meaning of the foregoing provisions of this section, or the mode of giving effect thereto, or between their respective engineers as to the execution of works, the approval of plans, or otherwise, shall from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company.

49. The Company shall, within three years after the passing of this Act, purchase and acquire, but by agreement only, the fee simple and inheritance of all lands which immediately before the passing of this Act were vested for any term or terms of years in the limited company, or in any trustee on their behalf.

Company to acquire fee simple of lands held by limited company for a term of years.

50. 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.

Notice to be given of taking houses of labouring classes.

51. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege (not being an

Power to take easements, &c. by agreement.

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easement of water), required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Gauge of railway.

52. The railway may be made and maintained on the gauge of two feet six inches, provided that the quantity of land to be taken by the Company shall not be less than is required for the construction of a railway on the gauge of four feet eight inches and half an inch.

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

53. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand six hundred and ninety-three pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Paymaster General on behalf of the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

54. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons

whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the 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 sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

55. Whereas the estimate in respect of railways Nos. 4, 6, 7, and 8 is five thousand five hundred and thirty-six pounds: Therefore the Court of Chancery may and shall at any time, on the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, or the legal personal representatives of the last survivor, by petition in a summary way, and on the production of a certificate to be obtained from the Board of Trade that the Company was prevented by the want of compulsory powers from making those railways without incurring unreasonable delay, inconvenience, or expense, order that the sum of two hundred and seventy-seven pounds (part of the said sum of one thousand six hundred and ninety-three pounds deposited as aforesaid), being five

Provision
for return
of portion
of deposit
in certain
event.

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per centum upon the amount of the estimate in respect of those railways, and the interest or dividends thereon, may be paid or transferred to the person or persons so applying, or to any other person or persons whom they or he may appoint on that behalf.

Period for completion of works.

56. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls for passengers, animals, and goods.

57. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway:

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

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or head of neat cattle, the sum of one penny halfpenny a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a mile:

For every calf or pig the sum of one halfpenny a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a mile:

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

In respect of goods, minerals, and merchandise conveyed on the railway:

For all coals, cinders, oreweed, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, twopence halfpenny a ton a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a ton a mile:

For all coke, culm, charcoal, sand, lime and limestone, and all stones for building, pitching, and paving, all bricks, tiles, slates, clay, chalk, marl, ironstone, copper ore, lead ore, tin ore, iron ore, antimony, and manganese, and all other ores, minerals, and semi-metals, timber, and deals, threepence halfpenny a ton a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a ton a mile:

For all copper, tin, lead, pig iron, bar iron, rod iron, hoop iron, and all other metals, wrought iron, and iron castings not

manufactured into utensils or other articles of merchandise, fourpence halfpenny a ton a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a ton a mile:

For all sugar, grain, corn, flour, hides, dye-woods, earthenware, timber, staves, tinned nails, nails, anvils, vices, and chains, five-pence a ton a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a ton a mile:

For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, or things, sixpence halfpenny a ton a mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny a ton a mile:

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on any truck or platform belonging to the Company, sixpence a mile, and a sum of one penny halfpenny a mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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

Tolls for propelling power.

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

Regulation as to the tolls.

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

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and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

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

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

Tolls for
small parcels
and single
articles of
great weight.

60. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding the rates prescribed by this Act, the Company may demand and take any tolls not exceeding the following ; (that is to say,)

For the carriage of small parcels on the railway, as follows :

For any parcel not exceeding seven pounds in weight, threepence :

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, seven pence :

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

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and fourpence :

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight, one shilling and eightpence :

For any parcel exceeding two hundred and fifty 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 shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight :

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, shall exceed four tons but shall not exceed eight tons, the Company may demand any such sum as they think fit, not exceeding sixpence a ton a mile :

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage,

shall exceed eight tons, the Company may demand such sum as they think fit.

61. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) Maximum rates for passengers.

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

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

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

62. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks or locomotive power, and every other expense incidental to the conveyance (except a reasonable charge for loading or unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,) Maximum rates for animals and goods.

For every horse, mule, or other animal herein-before classed therewith, threepence a mile :

For every calf or pig, twopence a mile :

For every sheep, lamb, or other small animal, twopence a mile :

For all coals, cinders, oreweed, dung, and other articles herein-before classed therewith, fourpence a ton a mile :

For all coke, culm, charcoal, and other articles herein-before classed therewith, fivepence a ton a mile :

For all copper, tin, lead, pig iron, and other articles herein-before classed therewith, sixpence a ton a mile :

For all sugar, grain, corn, and other articles herein-before classed therewith, sevenpence a ton a mile :

For all cotton and other wools, drugs, and other articles herein-before classed therewith, eightpence a ton a mile :

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, sixpence a mile, and a sum of one penny halfpenny a mile for every additional quarter of a ton or

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fractional part of a quarter of a ton which any such carriage may weigh.

Passengers luggage.

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

Terminal station.

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

Restrictions as to charges not to apply to special trains.

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

Company may take increased charges by agreement.

66. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description, by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to acquire, hold, and work dock of limited company.

67. The Company may acquire, hold, maintain, work, and use the dock and the works and conveniences connected therewith at Pentewan, now held, occupied, worked, and used by the limited company.

Power to appoint meters and weighers.

68. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which dock-master may exercise authority.

69. The limits within which the powers of the dock-master shall be exercised shall be the dock, basins, wharves, quays, and other works of the Company connected therewith, and the channel forming the entrance to the dock, and all parts of the foreshore bounded as follows; (that is to say,) on the north in part by the coast line from the entrance gates of the existing dock to Gammas Point, and in part by an imaginary line extending from Gammas Point in an easterly direction for a distance of one hundred and forty yards, and on the east by an imaginary line commencing at

the termination of the above-described line, and extending in a south-westerly direction for a distance of two hundred and fifty yards, and on the west by an imaginary line commencing at the termination of the last-described line, and extending in a north-westerly direction to the bridge which carries the public road leading from Saint Austell to Pentewan over the Saint Austell River, and such limits are herein-after referred to as the limits of this Act.

70. The Company from time to time may make such byelaws as they think fit for regulating the removal and disposal within the dock of all ballast brought by vessels entering the dock, and for regulating the supply of ballast to vessels in the dock, so as to prevent ballast being thrown or allowed to fall into the dock, or to obstruct the navigation within the limits of this Act; and the word "ballast" in this Act includes all substances used as ballast.

Byelaws as to ballast.

71. All ballast supplied to any vessel in the dock, unless the vessel lies at a wharf or quay, shall be brought in a proper and sufficient ballast lighter to the side of the vessel, and thence immediately thrown into the vessel by the crew or other persons; and every person offending against this enactment shall for every such offence forfeit not exceeding five pounds; and the expression "ballast lighter" in this Act includes all vessels used for receiving or conveying ballast.

Ballast to be brought to side of vessels and thrown in immediately.

72. If any master of any ballast lighter employed to receive or take ballast for any vessel, or to remove or discharge any ballast, or to take up or dredge for ballast in the dock, discharge or deposit the ballast, or take up any ballast in or from any other part of the dock than the part thereof which the Company from time to time lawfully direct, every master so offending shall for every such offence forfeit not exceeding five pounds.

Penalty for improperly discharging or taking up ballast.

73. If any person cast or unload into or out of any vessel in the dock, or if any person having the command of any vessel in the dock knowingly permit to be cast or unloaded into or out of the vessel any ballast, and the respective person have not a wooden stage or portsail sufficiently large and properly fastened (during the whole time of the casting or unloading from the vessel) into or out of which the ballast is to be cast or unloaded, to the upper edge or highest part of the wharf or quay, or to the other vessels into, from, or upon which the ballast is to be cast or unloaded, and so as to prevent any ballast from falling into the dock, every person so offending shall for every such offence forfeit not exceeding forty

Penalty for casting ballast without a portsail.

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shillings over and above the cost of removing the ballast from the dock.

Occupiers of wharves not to allow ballast to remain near edge of wharf.

74. If any owner, tenant, or occupier of any wharf or quay or land adjoining to the dock permit any ballast placed thereon, after it is placed thereon and the apparatus used in placing it is removed, to be on and within three yards of the edge of the wharf or quay or land next to the dock, or permit any ballast to be placed on or so near to any watercourse upon or adjoining to the wharf or quay or land as that the ballast or any part thereof is or may be washed into the dock to the prejudice thereof, every person so offending shall for every such offence forfeit not exceeding forty shillings.

Company may remove ballast.

75. If any owner, tenant, or occupier of any wharf, quay, beach, or other land adjoining to the dock, whereon any ballast is placed contrary to the provisions of this Act, fail to remove it from the wharf, quay, or land within twenty-four hours after notice in writing from the Company to remove it, the Company may remove all or any part of it to such places as they think fit, and the charges of removing it shall, and in addition to the penalty by this Act imposed on the respective person, be paid by him, and be recoverable as a penalty.

Ballast not to be cast into the dock or the sea within specified limits.

76. If any officer of the Company or other person under any pretence, save in the execution of works properly authorised, and then only so far as is proper for the execution thereof, or the owner of any land adjoining to the dock or sea, cast or unload any ballast into the dock or into the sea outside the dock, and within a mile thereof, in any part where the depth of the sea is less than five fathoms at low water, every person so offending shall for every such offence forfeit not exceeding five pounds.

Company to dispose of ballast.

77. The Company may use or sell or dispose of, in such manner as they think proper, all ballast removed by them from the dock under this Act.

Rates payable on vessels using the dock.

78. The Company from time to time may take and receive for or in respect of every vessel using or entering the dock, or lying therein or departing therefrom, any sum not exceeding the rates specified in the Schedule (A.) to this Act annexed, and every such rate or sum shall be payable by the owner, master, or consignee of the vessel.

Dock rates payable on goods and animals.

79. The Company may demand for all goods and animals mentioned in the Schedule (B.) to this Act, which shall be shipped or unshipped, received or delivered, or warehoused within the dock, any sums not exceeding the several rates in the said schedule

specified, and every such rate or sum shall be payable by the owner or consignee of the goods and animals.

80. The Company may demand for the use of their warehouses, straits, cranes, weighing and measuring machines, of and from the owner, consignee, or person having the charge of any goods, articles, or things deposited in such warehouse, or loaded or unloaded, weighed or measured by means of such straits, cranes, weighing and measuring machines, such reasonable rates as the Company shall from time to time appoint: Provided always, that if any question shall arise as to the reasonableness of any such rates the same shall be from time to time referred to and determined by the Board of Trade.

Rates to be charged for the use of cranes and weighing machines.

81. All officers of Customs, being in execution of their duty, shall have free ingress and egress into and out of the dock and premises, and through the gates and entrances of the same, and also freely to pass with their vessels and boats through the locks and water communications of the dock and premises, at all times, without payment of any toll or sum for so doing.

Officers of Customs to have free access to dock without payment of toll.

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

Saving the rights of the Duchy of Cornwall.

83. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Interest not to be paid on calls paid up.

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

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

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

85. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Company not exempt from provisions of Merchant Shipping Act and general Acts.

86. Nothing in this Act contained shall exempt the dock or the Company from the provisions of "The Merchant Shipping Act, 1854," or any general Acts relating to docks or dues on shipping, or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the dock rates or duties by this Act authorised.

Expenses of Act.

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

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Rates on Vessels.	Rates.
	£ s. d.
For every vessel entering the dock with cargo, and for every vessel leaving the dock with cargo, per register ton	0 0 2
For every vessel entering the dock light or in ballast, and for every vessel leaving the dock light or in ballast, per register ton	0 0 2
And if any such vessel remain within the dock for a longer period than fourteen days, then for the period during which the vessel remains beyond that period the further rates following; (that is to say,)	
For the first week or any part thereof, per register ton	0 0 ½
For the second week or any part thereof, per register ton	0 0 1
For every week or part of a week beyond the second week, per register ton	0 0 2

SCHEDULE (B.)

Rates on Goods and Animals.	Rates.
	£ s. d.
For every ton weight of goods or merchandise of every description received or delivered from or put on board of any vessel	0 0 6
And for every packet or parcel of goods less than a ton the same sum as is payable in respect of a ton.	
Horses, per head	0 1 6
Oxen, cows, and bulls, per head	0 1 0
Ponies, mules, and asses, per head	0 0 6
Calves, per head	0 0 3
Lambs, sheep, goats, and pigs, per head	0 0 1