CHAPTER lxxx.

An Act to confer further powers on the Cornwall Minerals Railway Company. [20th July 1894.]

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WHEREAS the Cornwall Minerals Railway Company (herein-after called "the Company") were empowered by the Cornwall Minerals Railway Act 1890 (herein-after called "the Act of 1890") to construct the railway and works described in the said Act and the Company have completed the same as a separate undertaking which has been called and is in this Act referred to as the Goonbarrow Branch and the Company have opened the Goonbarrow Branch for traffic and have also constructed sidings or other works in connexion therewith which are also complete and open for traffic and which have involved a considerably larger capital expenditure than was originally intended: 53 & 54 Vict. c. xl.

And whereas the Company are indebted to their contractor in respect of the construction of the said railway and works and have incurred other liabilities in connection therewith:

And whereas it is expedient that the Company should be empowered to acquire additional lands for the construction of further works and conveniences in connexion with the said Goonbarrow Branch:

And whereas the Company have created and issued the capital of twenty-four thousand pounds which by the Act of 1890 they were authorised to create and issue for the purposes of that Act and they were authorised to borrow on mortgage for the purposes of that Act the sum of eight thousand pounds (subject to reduction by the amount of any money paid out of capital by way of interest on capital during construction) and the Company have fully exercised their powers of borrowing on mortgage under that Act by raising on mortgage a sum of seven thousand seven hundred and sixteen pounds and it is expedient that the Company should be empowered as in this Act provided to raise further moneys by borrowing or the creation of debenture stock as herein-after provided (the holders

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of the mortgages for the said sum of seven thousand seven hundred and sixteen pounds consenting to this Act):

55 & 56 Vict. c. clxxxii.

And whereas under the Lostwithiel and Fowey Railway Act 1892 (herein-after called "the Act of 1892") the undertaking of the Lostwithiel and Fowey Railway Company (herein-after called "the Fowey undertaking") is vested in the Company:

54 & 55 Vict. c. clxxii.

And whereas under the Lostwithiel and Fowey Railway Act 1891 (herein-after called "the Act of 1891") and the agreement scheduled thereto the Great Western Railway Company are under obligation to work the Fowey undertaking and to keep accounts as required by the said agreement and the Company are under the provisions of the Acts of 1891 and 1892 entitled to receive one half of the gross receipts arising from the Fowey undertaking:

And whereas it is also provided by the Act of 1892 section 19 that if the Company shall not by the 30th day of April 1896 have raised and issued the capital required for putting the Fowey Railway in repair and working order and condition and for the construction of certain works therein specified and shall not have made substantial progress with the works as therein provided the Company are bound in manner and subject to the conditions therein specified to sell and transfer the Fowey undertaking to the Great Western Railway Company:

And whereas the Company are about to proceed with the execution of the said works and it is expedient that for the purposes thereof they should be empowered to purchase and acquire lands as in this Act provided:

And whereas under the provisions of the Act of 1892 the then existing debenture stock of the Lostwithiel and Fowey Railway Company was extinguished in consideration of the issue of certain preference and ordinary stocks of the Company to the holders of the said debenture stock and there are now no mortgages or debenture stock charged on the Fowey undertaking and it is expedient that in order to provide capital for the purposes of the Fowey undertaking the Company should be empowered to create and issue debenture stock as in this Act provided:

And whereas plans of the lands which may be acquired under this Act and books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Cornwall and those plans and books of reference are in this Act referred to as the deposited plans and books of reference respectively:

And whereas the purposes aforesaid 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 for all purposes as the Cornwall Minerals Railway Act 1894.

Incorporation of general Acts.

2. The Lands Clauses Acts are subject to the provisions of this Act incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

and also Part III. of the Companies Clauses Act 1863 (relating to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

Interpretation.

4. 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 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.

Power to Company to acquire additional lands.

5. Subject to the provisions of this Act the Company may enter upon and take compulsorily and may hold for the improvement and enlargement of their railway stations and works and for the construction of sidings and other station purposes the lands herein-after described which are delineated upon the deposited plans and described in the deposited books of reference :—

Lands in the parish of Fowey in the county of Cornwall forming part of the Colvithick Wood and foreshore adjoining thereto ;

Lands in the parish of Saint Winnow in the county of Cornwall on the east side of the Cornwall Railway of the Great Western Railway Company and parallel to that railway ;

Lands in the parish of Saint Austell in the county of Cornwall near the Old Beam China Clay Works situate on the west side of the said railway ;

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Lands in the parish of Saint Austell in the county of Cornwall near the Roche Goonbarrow China Clay Works situate on the west side of the said railway.

Period for compulsory purchase of lands.

6. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

For protection of the Fortescue Estate.

7. Nothing in this Act and nothing done or authorised under this Act shall operate so as in any way to affect the covenants to construct and maintain accommodation works contained in an indenture of conveyance of the thirty-first day of December one thousand eight hundred and seventy-three made between the Honorable George Matthew Fortescue the Right Honorable Lady Louisa Elizabeth Fortescue and Hugh Granville Fortescue of the one part and the Lostwithiel and Fowey Railway Company of the other part or any right or liability of any of the parties thereto or of the Company under the said covenants or any of them or any of the matters in question in the action 1893 F. No. 1348 now pending in the Chancery Division between John Bevill Fortescue as plaintiff and the said Lostwithiel and Fowey Railway Company and the Company as defendants in respect of the said covenants or any of them.

Works below high-water mark not to be commenced without consent of Board of Trade.

8. Nothing in this Act contained shall authorise the Company to construct on the shore of the River Fowey any work to the eastward of their existing line of railway without the previous consent of the Board of Trade.

Restriction on taking houses of labouring class.

9.—(1) The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to Company to create Fowey

10. It shall be lawful for the Company to create and issue a debenture stock to be called the Cornwall Minerals Railway Fowey Debenture Stock or by some similar title not exceeding in the

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aggregate twenty thousand pounds the payment of the interest on which shall be primarily charged upon the revenue arising from the Fowey undertaking as paid to them by the Great Western Railway Company under the provisions of the Acts of 1891 and 1892 and the said agreement scheduled to the Act of 1891 and the interest on such debenture stock shall subject to the dividends and interest on the existing debenture stock of the Company and the repayment to the Great Western Railway Company in manner provided by the agreement between the Company and the Great Western Railway Company dated the thirtieth day of April one thousand eight hundred and seventy-seven of all sums of money paid for or advanced to the Company under and in accordance with the provisions of the said agreement whether before or after the passing of this Act be charged upon and payable out of any other revenues of the Company if the sums so received by them in respect of the Fowey undertaking are at any time insufficient to provide for the payment thereof.

debenture stock.

11. Nothing in this Act contained shall be deemed to prejudice or affect any differences between the Company and the Great Western Railway Company as to the amounts properly due and owing or to be paid or accounted for by either party under the said agreement of the thirtieth day of April one thousand eight hundred and seventy-seven.

Saving for Great Western Railway Company.

12. In addition to the sum of seven thousand seven hundred and sixteen pounds which the Company is authorised to borrow in respect of the Goonbarrow Branch separate undertaking of the Company the Company may at any time after the passing of this Act borrow in respect of the said separate undertaking any sum or sums not exceeding ten thousand pounds in the whole Money borrowed under this section and the interest thereon shall not be a charge upon or affect any undertaking or receipts of the Company other than the Goonbarrow Branch and revenue arising therefrom.

Additional power to borrow in respect of Goonbarrow Branch.

13. The provisions of section 20 of the Act of 1890 with regard to the creation and issue of debenture stock shall extend and apply to the debenture stock by this Act authorised to be created and issued in respect of the Goonbarrow branch separate undertaking authorised by the Act of 1890.

Additional debenture stock.

14. All moneys raised by the Company under this Act in respect of the Fowey undertaking shall be applied to the purposes of that undertaking only to which capital is properly applicable and all moneys so raised in respect of the Goonbarrow Branch separate undertaking shall be applied to the purposes of that undertaking only to which capital is properly applicable.

Application of moneys.

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Receipt in case of persons not sui juris.

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

For protection of Postmaster-General.

16. Nothing in this Act or in any Act relating to the Company or to the Fowey undertaking whereby any agreement for the working of the Fowey undertaking or any part thereof by the Great Western Railway Company or the making of any such agreement or the transfer of the Fowey undertaking or any part thereof to the Great Western Railway Company is authorised shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Great Western Railway Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had no such agreement working or transfer been authorised.

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

17. 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.

Provision as to general Railway Acts.

18. Nothing in this Act contained shall exempt the Company 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.

Costs of Act.

19. 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.

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