CHAPTER cxii.

An Act for authorising the Devon and Cornwall Railway Company to make Extensions of their Railway to Holsworthy, and to Camelford, and to the Launceston and South Devon Railway; and to raise further Moneys; and for authorising Arrangements between them and other Railway Companies; and for other purposes. A.D. 1873.

[7th July 1873.]

WHEREAS the Devon and Cornwall Railway Company (in this Act called the Company) are desirous and it is expedient that they be authorised to make and maintain the railways by this Act authorised by way of extensions of their railway to Holsworthy in Devon, and to Camelford, and to the Launceston and South Devon Railway at Launceston, in Cornwall:

And whereas the making of the said railways would be of public and local advantage:

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act:

And whereas it is expedient that the Company, and all companies and persons lawfully using the railways of the Company, be authorised to run over and use the Bodmin and Wadebridge and Delabole Railway:

And whereas it is expedient that provisions be made for authorising working and other agreements between the Company on the one hand and the London and South-western Railway Company and the Bodmin and Wadebridge Railway Company, or either of them, on the other hand, as by this Act provided:

And whereas it is expedient that other provisions be made with respect to the Company:

And whereas plans and sections of the proposed railways, 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

A.D. 1873.

reputed lessees, and occupiers of the lands, have been deposited with the respective clerks of the peace for the counties of Devon and 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 Devon and Cornwall Railway (Western Extensions) Act, 1873."

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters; (that is to say,) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of borrowed money into capital, the consolidation of shares into stock, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), 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) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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 expressions "the Western Extension Railway" or "the railway and the undertaking" mean respectively the railways and the undertaking by this Act authorised; 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 make railway according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, sidings, 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 the purpose. The railways herein-before referred to and authorised by this Act are,—

A railway (No. 1) seventeen miles five furlongs in length, commencing in the parish of Okehampton and county of Devon by a junction with the Lidford Extension Railway of the Company now in course of construction, and terminating in the parish of Holsworthy in the same county in a pasture field known as Lower Vesey's Croft, belonging to James Higgs, and occupied by William Northcote, and numbered 1519 on the tithe commutation map of that parish:

A railway (No. 1A) two furlongs one chain eighteen yards in length, commencing in the parish of Okehampton in the county of Devon by a junction with the Lidford Extension Railway of the Company now in course of construction, and terminating in the said parish by a junction with the railway No. 1 by this Act authorised:

A railway (No. 2) eleven miles four furlongs three chains and eleven yards in length, commencing in the parish of Holsworthy in the county of Devon by a junction with the Railway No. 1 by this Act authorised at its point of termination, and terminating in the parish of Jacobstow in the county of Cornwall on the eastern side of the public highway leading from Wainhouse Corner by Heedons Cross to Kenworthy or Canworthy Water and sixteen chains or thereabouts to the southward of Heedons Cross:

A railway (No. 3) ten miles three furlongs in length (being a portion of the Railway No. 3 shown on the deposited plans), commencing in the parish of Jacobstow in the county of Cornwall by a junction with the Railway No. 2 by this Act authorised at the termination thereof, and terminating in the parish of Lanteglos by Camelford in the county of Cornwall at the turnpike road leading from Camelford to Launceston:

A.D. 1873.

A railway (No. 4) eleven miles four furlongs seven chains and eleven yards in length, commencing at the termination of the Railway No. 2 by this Act authorised, and terminating in the parish of Saint Stephens by Launceston in the county of Cornwall by a junction with the Launceston and South Devon Railway:

And the railways and works executed under the authority of this Act shall, for the purposes of tolls and charges, form part of the undertaking of the Company, and it shall be lawful for the Company to demand and receive such tolls and charges in respect of each and every description of traffic upon the railways as they would have been entitled to demand and receive if the same had originally formed part of the main line of the Company authorised by "The Okehampton Railway Act, 1862."

Power to Company to raise additional capital.

5. The Company may from time to time raise (in addition to the capital which they are now authorised to raise), by the creation and issue of new shares in the undertaking of the Company, any further sum not exceeding five hundred and sixty thousand pounds for the purposes of the Western Extension Railway; and all new shares to be created under this Act are herein-after comprised under the name of the "Western Extension shares."

Shares not to be issued until one fifth part is paid thereon.

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

Calls.

7. 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.

Receipt clause in case of persons not sui juris.

8. 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.

9. 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 the capital by this Act authorised to be raised 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.

Dividends on half shares.

10. 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.

11. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number, but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

12. 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.

Terms of issue to be stated on certificates.

13. 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.

A.D. 1873.

Forfeiture of preferred shares.

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

Preferred shares not to be cancelled or surrendered.

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

Half shares to be half shares in capital.

16. 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.

Application of divisible profits of extension.

17. The profits of the Western Extension Railway applicable to dividend from time to time shall be applied in the first instance in payment of dividend on the Western Extension shares, until a dividend of such amount (not exceeding six per centum per annum) as the Company, with the sanction of three fifths of the votes of the shareholders present personally or by proxy at any extraordinary meeting convened with notice of this purpose, shall attach to those shares, shall have been paid on the total amount from time to time paid up on those shares, and (subject thereto, and also subject to such (if any) additional capital for any purposes of or in connexion with the Western Extension Railway as Parliament may hereafter sanction) the residue of those profits shall fall into and become part of the general profits of the Company.

Extension shares not to participate in general profits.

18. The holders of Western Extension shares shall not in respect thereof have or be entitled to any interest or dividend out of any profits of the Company, except the profits of the Western Extension Railway.

For ascertaining divisible profits.

19. The Company shall keep separate accounts of all receipts and payments from, for, or on account of the Western Extension Railway, and the balance of the gross receipts of the Western Extension Railway which shall remain after deducting for expenses of working and management such a proportion (not exceeding fifty per centum

per annum) of such gross receipts as shall be determined by any meeting of the Company before the issue of any Western Extension shares, and also after deducting all interest on debenture stock or borrowed money for the time being secured or attaching upon the Western Extension Railway, and all rates, rents, and taxes payable on or in respect of the Western Extension Railway, shall, for the purposes of this Act, be deemed the profits of the Western Extension Railway applicable to dividend.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage for the purposes of the Western Extension Railway, on the sole security of that undertaking and the profits as aforesaid arising therefrom, any sum not exceeding in the whole one hundred and eighty-six thousand pounds, but no part thereof shall be borrowed until the whole capital of five hundred and sixty thousand pounds by this Act authorised to be raised 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 the 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 the 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 his certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

For appointment of receiver.

21. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver of the Western Extension Railway, and the tolls and charges arising therefrom. 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 ten thousand pounds in the whole.

Power to create debenture stock.

22. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," and such debenture stock, with the interest thereon, shall

A.D. 1873.

be exclusively charged upon the Western Extension Railway; 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 on the security of the Western Extension Railway, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

Lands for extraordinary purposes.

24. The quantity of land to be taken by agreement by the Company for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed ten acres.

Period for compulsory purchase of lands.

25. 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.

Power to cross certain roads on the level.

26. Subject to the provisions in the "Railways Clauses Consolidation Act, 1845," and in Part I. 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,)

No. on deposited Plans.	Parish.	Description of Road.
	Railway No. 1.	
13	Beaworthy	Public road.
188	Beaworthy	Public road.
7	Halwell	Public road.
	Railway No. 2.	
17	Bridge Rule	Public road.
24a	Bridge Rule	Public road.
	Railway No. 4.	
135	Jacobstow	Public road.
85	Egloskerry	Public road.

Inclination of roads.

27. 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. 1.	
2	North Lew - -	Public road - -	1 in 10 on one side and 1 in 20 on the other.
141	Beaworthy - -	Public road - -	1 in 9 on one side and level on the other.
147	Beaworthy - -	Public road - -	1 in 8 on one side and level on the other.
106	Holsworthy - -	Public road - -	1 in 12.
		Railway No. 2.	
117	Holsworthy - -	Public road - -	1 in 10.
63	Week Saint Mary -	Public road - -	1 in 15 on one side and 1 in 20 on the other.
		Railway No. 3.	
59	Minster - -	Public road - -	1 in 11 on one side and level on the other.
		Railway No. 4.	
41	Saint Stephens by Launceston.	Public road - -	1 in 12 on one side and 1 in 10 on the other.
56	Saint Stephens by Launceston.	Public road - -	1 in 12 on one side and 1 in 10 on the other.

Height and span of bridges.

28. 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,)

No on deposited Plan.	Parish.	Description of Road.	Height.	Span.
		Railway No. 1.		
25	Okehampton - -	Public road -	20	15
2	North Lew - -	Public road -	15	15
141	Beaworthy - -	Public road -	15	15
157	Beaworthy - -	Public road -	15	15
68	Holsworthy - -	Public road -	15	15
102	Holsworthy - -	Public road -	20	15
		Railway No. 2.		
11	Pyworthy - - -	Public road -	15	15
54	Pyworthy - -	Public road -	15	15
12	Week Saint Mary -	Public road -	20	15
		Railway No. 3.		
58	Jacobstow - - -	Public road -	15	15
14	Warbstow - -	Public road -	15	15
58	Otterham - -	Public road -	15	15
83	Otterham - -	Public road -	20	15
30	Minster - - -	Public road -	15	15
59	Minster - -	Public road -	15	15
67	Lanteglos - - -	Public road -	25	15

A.D. 1873.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
		Railway No. 4.		
92	Jacobstow - -	Public road -	15	15
63	Tremaine - -	Public road -	15	15
6	Tresmeer - - -	Public road -	15	15

Width of certain roadways.

29. 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 Plan.	Parish.	Description of Road.	Width of Roadway.
		Railway No. 1.	
34	Okehampton - -	Public road - -	15
60	Okehampton -	Public road - -	20
102	Beaworthy - -	Public road - -	15
31	Hollacombe - -	Public road -	15
1	Holsworthy -	Public road - -	15
		Railway No. 2.	
117	Holsworthy - -	Public road - -	15
101	Pyworthy - -	Public road - -	15
108	Pyworthy - -	Public road - -	15
6	Whitstone - -	Public road - -	15
41	Whitstone - -	Public road - -	15
63	Whitstone - -	Public road - -	20
31	Week Saint Mary -	Public road - -	15
63	Week Saint Mary -	Public road - -	15
		Railway No. 3.	
52	Jacobstow - -	Public road - -	20
10	Otterham - -	Public road - -	20
7	Lesnewth - -	Public road - -	15
26	Davidstow - -	Public road -	15
		Railway No. 4.	
3	Tresmeer - -	Public road - -	15
32	Tresmeer - -	Public road - -	20
41	Saint Stephens by Launceston.	Public road - -	15
56	Saint Stephens by Launceston.	Public road - -	15
56a	Saint Thomas - -	Public road - -	15

Notice to be given of taking of houses of labouring classes.

30. 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.

Gauge of railways.

31. The railways by this Act authorised shall be made and maintained exclusively on the gauge of four feet eight and a half inches.

As to junction with Launceston and South Devon Railway.

32. The junction of Railway No. 4 with the Launceston and South Devon Railway shall be made only at such point on the last-mentioned railway, within the limits of deviation, as the Launceston and South Devon Railway Company, or the South Devon Railway Company when the amalgamation of those two companies shall have taken effect, both of which companies are herein-after referred to as the owning company, reasonably approve of; and such junction, and all works connected therewith, which may be made for the reception, accommodation, and delivery of the traffic of the Company, whether on the land of the Company or on the land of the owning company, shall be made by the owning company at the sole expense of the Company, and, except only so far as the Company and the owning company otherwise agree, the same shall for ever thereafter be maintained and kept in repair by the owning company at the sole expense of the Company; and such junction and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the railway or the works or property of the owning company, or the free and uninterrupted use thereof by that company, or interfere with the traffic on the Launceston and South Devon Railway: Provided always, that the junction shall not, without the consent in writing of the owning company under their common seal, be made immediately with the line of the Launceston and South Devon Railway, but a proper and intermediate siding, with all necessary and convenient works in connexion therewith, shall be made and maintained by the Company parallel to that line, and a convenient junction between that intermediate siding and that line shall, subject to the provisions of this Act, be made and maintained on such terms and conditions as the Company and the owning company agree. If any difference shall arise between the Company

A.D. 1873.

and the owning company touching any of the matters comprised in this section, the same shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either company, and the costs of the arbitration shall be in the discretion of the arbitrator: Provided always, that the owning company may recover any outlay incurred by them at the expense of the Company under the provisions of this enactment, together with interest and costs, by action or suit in any court of competent jurisdiction.

Certain lands not to be taken without consent of Launceston and South Devon Railway Company.

33. The Company shall not, without the consent in writing of the owning company, except for the purpose of forming the junction with the Launceston and South Devon Railway as hereinbefore mentioned, enter upon, take, or use any of the lands now belonging to the Launceston and South Devon Railway Company, or which that Company are authorised to acquire, situate to the northward of the line of demarcation A, B, C, D, E, and F, coloured blue on a plan marked G, and dated the twenty-first day of March one thousand eight hundred and seventy-three, and signed in duplicate by William Robert Galbraith, the engineer of the Company, and Peter John Margary, the engineer of the Launceston and South Devon Railway Company, one part of which plan is in the custody of the Company and the other part thereof in the custody of the Launceston and South Devon Railway Company: Provided always, that this and the last preceding section are in addition to and not in substitution for the provisions of "The Railways Clauses Act, 1863," with respect to junctions.

Provision as to junction with Bodmin and Wadebridge and Delabole Railway.

34. The Company shall make and maintain a junction between the Railway No. 3 by this Act authorised and the Bodmin and Wadebridge and Delabole Railway, and such junction shall be made at such point near the termination of the said Railway No. 3 and in such manner as shall be agreed upon by the respective engineers of the Company and of the Bodmin and Wadebridge and Delabole Railway Company as the most fit and proper point and manner of junction, having regard to the convenience of the public and the provision of means of free and uninterrupted passage of engines and carriages from and to the railways of the Company to and from the railways of the Bodmin and Wadebridge and Delabole Railway Company; and if the respective engineers shall not agree in the premises, then the point and manner of junction shall be settled by an engineer appointed in that behalf, on the application of either of the companies interested, by the Board of Trade.

Deposit money not to be repaid

35. 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 thirty thousand two hundred and ninety-eight pounds, being five per centum upon the amount of the estimate in respect of the railway originally proposed to be authorised by the Bill for this Act, 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: And whereas a portion of the railways originally proposed are not now authorised, and the amount of the estimate of expense of the undertaking is five hundred and sixty thousand pounds: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of twenty-eight thousand pounds, portion of the said sum of thirty thousand two hundred and ninety-eight pounds 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 twenty-eight thousand pounds, portion of the said sum of thirty thousand two hundred and ninety-eight pounds so 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.

A.D. 1873.

until line opened or half the capital paid up and expended.

36. The said sum of twenty-eight thousand pounds, portion of the said sum of thirty thousand two hundred and ninety-eight pounds 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 railways, or any of them, or any portion thereof, or who may have been subjected

Providing for application of deposit.

A.D. 1873.

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 twenty-eight thousand pounds shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of twenty-eight thousand pounds, 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 twenty-eight thousand pounds 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.

Court of Chancery may order repayment of surplus of deposit money.

37. The Court of Chancery may and shall at any time after the passing of this Act, on application by the Company or on their behalf, by petition in a summary way, order that the sum of two thousand two hundred and ninety-eight pounds, being the residue of the deposited sum of thirty thousand two hundred and ninety-eight pounds, and the interest or dividends thereon, may be paid or transferred to the Company, or to such person or persons as the Company may appoint in that behalf; and upon such order being made the said sum of two thousand two hundred and ninety-eight pounds, and the interest or dividends thereon, shall be paid or transferred to the Company, or to such person or persons as the Company shall appoint.

Period for completion of works.

38. 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.

Power for Company to run over Bodmin and Wadebridge and Delabole Railway.

39. The Company and all companies and persons lawfully using the railways of the Company, or any part or parts thereof, may run over and use with their engines and carriages, waggons and trucks, and their officers and servants, and for the purposes of traffic of every description, the Bodmin and Wadebridge and Delabole Railway, together with all tramways, sidings, stations, buildings, offices, warehouses, approaches, water supplies, telegraphs, signals, machinery, works, and conveniences on or connected or used with the said railway, and the Bodmin and Wadebridge and Delabole Railway Company, or other the company for the time being owning or working that railway, shall afford all requisite facilities for the purpose.

Terms and conditions of running over.

40. The terms and conditions on which the Company or such other companies as aforesaid shall be entitled to run over and use the said Bodmin and Wadebridge and Delabole Railway, and the works and conveniences connected therewith, shall be such terms and conditions as the companies interested from time to time agree on, or as, failing agreement between them, are from time to time determined by arbitration in accordance with "The Railway Companies Arbitration Act, 1859."

Tolls on railway run over under Act by Company.

41. The Company or any company lawfully using the railways of the Company may from time to time demand and take for all passengers, animals, and things conveyed by them on the Bodmin and Wadebridge and Delabole Railway, and for carriages, waggons, and trucks respectively conveying the same, and provided by them, and for locomotive engines or other power provided by them, and for all services performed by them thereon, and for all other matters with respect to traffic thereon, a like amount of tolls, fares, rates, or other charges as by the several Acts relating to the said railway are authorised to be demanded and taken for like traffic services and matters thereon respectively, and in like manner and with and subject to like powers and provisions, and, where applicable, like limitation of maximum charges in all respects.

Byelaws to be observed.

42. The Company and all other companies from time to time lawfully using the Company's railways, in running over or using the said Bodmin and Wadebridge and Delabole Railway in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on

A.D. 1873.

that railway, so far as such byelaws shall be applicable to the Company or such other companies as aforesaid.

Arrangements with other companies.

43. The Company on the one hand, and the London and South-western Railway Company and the Bodmin and Wadebridge Railway Company, or either of them, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time enter into and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The maintaining, working, using, and managing by the contracting companies, or either of them, of the railways by this Act authorised, or any parts thereof:

The supply and maintenance by the contracting companies, or either of them, of rolling or working stock, and of machinery, officers, and servants, for any of the purposes of the respective agreement:

The interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting companies:

The levying, fixing, collection, division, and apportionment of the tolls, rates, fares, charges, receipts, and revenues levied, taken, or arising from such traffic:

The payments, allowances, rebates, and drawbacks to be paid, made, or allowed by any or either of the contracting companies to the other or others of them for or on account of any of the matters to which the respective agreement relates.

Tolls on traffic conveyed partly on railways of Company and partly on other railways.

44. Where, under the provisions of this Act, traffic is conveyed partly on the railways of the Company and partly on the railway of any other company, the railways of the Company and the railway of such other company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railway of any other company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railway of any other company.

Saving the rights of the Duchy of Cornwall.

45. Nothing contained in this Act shall extend to authorise the Company to take, use, enter upon, or interfere with any land, soil, or water, or any rights in respect thereof, belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, without the consent in writing of some two or more of such of the regular officers of the said Duchy, or of such other persons as may be duly authorised under the provisions of "The Duchy of Cornwall Management Act, 1863," section thirty-nine, 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.

Interest not to be paid on calls paid up.

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

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

47. The Company shall not, out of any money by this Act or any Act relating to the Company 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.

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

48. Nothing in this Act shall exempt the railways of 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, by any Act relating to the Company authorised.

A.D. 1873.

Expenses of Act.

49. All 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.

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