CHAPTER clxxix.

An Act to authorise the construction in Cornwall of railways to be called The Fal Valley Railway; and for other purposes. [30th July 1874.]

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WHEREAS the construction of the railways and works by this Act authorised would be attended with local and public advantage, and the persons herein-after named, with others, are willing to construct the said railways and works:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Cornwall, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that the powers herein-after contained should be conferred upon certain railway companies with reference to the railways by this Act authorised, and upon the Company by this Act incorporated with reference to those companies or some of them:

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

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

Short title.

1. This Act may be cited as "The Fal Valley Railway Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation Act, 1845," 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

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Part I. (relating to the 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 expression "the Company" means the Company incorporated by this Act; the expressions "the railways" and "the undertaking" mean respectively the railways and the undertakings by this Act authorised; 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.

Incorporation of Company.

4. Frederick James Rowan, William James Hard, and John Lankester, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Fal Valley Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Fal Valley Railway."

Power to make railways.

5. 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 respectively, 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 before-mentioned purposes. The railways herein-before referred to and authorised by this Act will be wholly situate in Cornwall and are,

Railway (No. 1), two miles four furlongs eight chains and thirteen yards in length, commencing by a junction with the

railway called the "Ratew Branch," authorised by "The Cornwall Minerals Railway Act, 1873," and terminating in the parish of Saint Stephen's in Bramwell, on the north side of a public road leading from the village of Saint Stephen's to Grampound Road:

Railway (No. 5), four furlongs two chains and eighteen yards in length, commencing by a junction with railway No. 3, authorised by "The Cornwall Minerals Railway Act, 1873," and terminating by a junction with the before-mentioned Ratew Branch at a point four hundred and forty yards, or thereabouts, from the point of commencement of that railway, wholly situate in the parish of Saint Columb Major.

Capital.

6. The capital of the Company shall be forty-five thousand pounds in four thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid.

7. The Company shall not issue any share 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.

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

Receipt of persons not sui juris.

9. If any money be 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 borrow.

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

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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.

For appointment of a receiver.

11. 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 one thousand five hundred pounds in the whole.

Debenture stock.

12. 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.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Quorum of general meetings.

15. The quorum of general meetings of the Company shall be five shareholders, present personally or by proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.

Number of directors.

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

Qualification of directors.

17. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum.

18. The quorum of a meeting of directors shall be three until the number of directors is reduced to three, and then the quorum shall be two.

First directors.

19. Frederick James Rowan, William James Hard, and John Lankester, and two persons to be nominated by them or the majority of them, and consenting to such nomination, 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

Election of directors.

nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

20. 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 two acres.

Period for compulsory purchase of lands.

21. 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 a certain road on the level.

22. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the Company may in the construction of the 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 road next herein-after mentioned; (that is to say,)

Number on deposited Plans.	Parish.	Description of Road.
64	Saint Stephen's in Bramwell -	Parish.

Inclination of road.

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

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
6	Saint Dennis - -	Parish - - -	1 in 8.

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Width of certain roadway.

24. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the width herein-after mentioned; (that is to say,)

Number on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
6	Saint Dennis -	Parish - - -	18 feet.

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

25. 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, seventeen thousand nine hundred and six pounds three pounds per centum consolidated bank annuities, whereof one thousand nine hundred and six pounds represents upwards of fifteen hundred and thirteen pounds, which last-mentioned sum is five per centum upon the amount of the estimate in respect of the proposed railways, has been transferred to the account of Her Majesty's 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 of one thousand nine hundred and six pounds stock, part of the said sum of seventeen thousand nine hundred and six pounds stock so transferred 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 the completion of the railways, either open the railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital 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 have either opened the railways for the public conveyance of passengers or given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of one thousand nine hundred and six pounds stock transferred 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.

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

Release of balance of money deposited.

27. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the High Court of Chancery may and shall order that sixteen thousand pounds

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of the stock so transferred as aforesaid and the interest and dividends thereof shall be re-transferred to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of railways.

28. If the railways be not completed within four 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 railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

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

Tolls for goods.

For the use of the railways or any part thereof:

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

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

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

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

Tolls for animals.

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

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

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

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

Tolls for passengers.

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

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

Maximum charges.

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

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

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

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

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

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

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

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

Regulation as to the tolls.

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

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

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

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

For a fraction of a ton, the Company may demand and take toll according to the number of quarters of a ton in such fraction; and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton:

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

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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.

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

If not exceeding seven pounds in weight, threepence:

If exceeding seven but not exceeding fourteen pounds, fivepence:

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

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

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

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

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

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

Special trains.

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

Terminal stations.

34. In addition to the tolls and charges herein-before authorised a reasonable charge is to be payable for the loading, covering, and unloading of goods at any station being a terminal station in respect of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the Company; a station is not to be considered a terminal station in respect of goods unless they are received there direct from the consignor or are directed to be delivered there to the consignee.

Passengers luggage.

35. Every passenger travelling on the railways may without charge cause to be carried in the same train with him his ordinary

luggage, not exceeding the weight of one hundred and twenty pounds for a first-class passenger, one hundred pounds for a second-class passenger, and sixty pounds for a third-class passenger.

Higher charges by agreement.

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

Power to enter into working agreement with other companies.

37. The Company on the one hand, and the Cornwall Minerals, the Cornwall, the Great Western, the Bristol and Exeter, and the South Devon Railway Companies, or any or either of those companies, on the other hand, may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," from time to time enter into and make any contract or agreement with respect to all or any of the following matters; (that is to say,)

The use and working of the railways:

The conveyance, conduct, and management of traffic upon or over the railways:

The supply of any rolling or working stock required for working the traffic of the Company:

The forwarding, interchange, transmission, collection, delivery, and general conduct of traffic:

The maintenance and repair of the railways:

The apportionment and payment of the costs and expenses of such working, maintenance, and repair:

The division between the contracting companies of the receipts arising in respect of traffic.

Tolls on traffic conveyed partly on the railway and partly on the railway of the working company.

38. During the continuance of any agreement to be entered into under the provisions of this Act for the working of the railways, the railways of the Company and of the working company shall for the purposes of short-distance 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 railway and partly on the railway of the working company for a less distance than two miles, tolls and charges may only be charged as for two miles; and in respect of passengers, for every mile or fraction of a mile beyond two miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond two 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 railway and partly on the railway of the Company.

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Saving the rights of the Duchy of Cornwall.

39. 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 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 on calls not to be paid out of capital.

40. 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."

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

41. 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.

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

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

Expenses of Act.

43. 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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