CHAPTER cxiii.

An Act to enable the Great Western Railway Company, the Bristol and Exeter Railway Company, and the South Devon Railway Company to make a Branch Railway to Saint Ives; and for other purposes. [7th July 1873.] A.D. 1873.

WHEREAS the Great Western Railway Company, the Bristol and Exeter Railway Company, and the South Devon Railway Company (in this Act referred to as "the Associated Companies") are joint owners under the authority of the West Cornwall Railway Act, 1865, of the West Cornwall Railway, and by the Great Western, Bristol and Exeter, and South Devon Railway Companies (Cornwall and West Cornwall Railways) Act, 1871, further powers were conferred upon the Associated Companies with reference to that railway:

And whereas it is expedient that the Associated Companies should be empowered to construct a branch railway from the West Cornwall Railway to Saint Ives, in the county of Cornwall:

And whereas by the Great Western, Bristol and Exeter, and South Devon Railway Companies (Cornwall and West Cornwall Railways) Act, 1871, the Associated Companies were authorised to raise for the purposes of that Act the sum of nine hundred and fifty thousand pounds by the creation and issue of Great Western, Bristol and Exeter, and South Devon Railway Companies joint rent-charge stock, and it is expedient that they should in like manner be authorised to raise further moneys for the purposes of this Act:

And whereas plans and sections, respectively showing the line and levels of the railway authorised by this Act, and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required for the purposes 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 book of reference:

A.D. 1873.

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 for all purposes as the Great Western, Bristol and Exeter, and South Devon Railway Companies (Cornwall and West Cornwall Railways) Act, 1873.

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

The Railways Clauses Consolidation Act, 1845;

Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863;

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; namely,

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 giving of notices; and

The provision to be made for affording access to the special Act; and

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863.

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

Power to make railway according to deposited plans.

4. Subject to the provisions of this Act, the Associated Companies may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway 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 book of reference as may be required for the purposes thereof.

The railway herein-before referred to and authorised by this Act is—

A railway to be called "The Saint Ives Branch" (four miles, one furlong, and two chains in length), commencing in the parish of Saint Erth, in the county of Cornwall, by a junction with the West Cornwall Railway at or near to the Saint Ives Road station on that railway, and terminating in the parish of Saint Ives, in the said county of Cornwall, in a garden situate on the edge of the cliff three and a half chains or thereabouts west of Penalver or Pedn-Olver Point.

Gauge of railway.

5. The Saint Ives Branch shall be constructed either on the narrow gauge of four feet eight and a half inches or on the broad gauge of seven feet, or on both such gauges, as the Associated Companies may think fit, and shall for the purposes of tolls, rates, and charges and for all other purposes be deemed to form and be part of the West Cornwall Railway.

Power to Associated Companies to create further joint rentcharge stock.

6. The Associated Companies may from time to time raise for the purposes of this Act any sums not exceeding in the whole fifty thousand pounds by the creation and issue of stock, and such stock shall when created bear the same name as and rank pari passu and form one stock with the Great Western, Bristol and Exeter, and South Devon Railway Companies joint rentcharge stock authorised to be created by the Great Western, Bristol and Exeter, and South Devon Railway Companies (Cornwall and West Cornwall Railways) Act, 1871, and the said stock and the holders thereof respectively shall be subject and entitled to the same powers, provisions, forfeitures, rights, liabilities, privileges, and incidents whatsoever in all respects as if the same had been authorised to be created by the said last-mentioned Act.

Application of moneys.

7. All moneys raised by the Associated Companies under the powers of this Act shall be applied to the purposes of this Act only.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Associated Companies by agreement for the extraordinary purposes mentioned in the

A.D. 1873.

Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Powers for compulsory purchases limited.

9. The powers of the Associated Companies 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.

10. 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 Associated Companies may, in the construction of the Saint Ives branch, 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 public carriage road numbered on the deposited plans 37, in the parish of Uny Lelant.

Inclinations of roads.

11. In altering for the purposes of this Act the roads next hereinafter mentioned, the Associated Companies 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 Inclinations.
37	Uny Lelant -	Public carriage road	1 in 8
58	Uny Lelant -	Public carriage road	1 in 5

Height and span of a certain bridge.

12. The Associated Companies may make the arch of the bridge for carrying the Saint Ives branch over the public carriage road numbered on the deposited plans 58, in the parish of Uny Lelant, of any height and of any span not less than ten feet respectively.

Width of a certain roadway.

13. The Associated Companies may make the roadway over the bridge by which the turnpike road numbered on the deposited plans 9, in the parish of Uny Lelant, will be carried over the Saint Ives branch, of such width between the fences thereof as they think fit, not being less than twenty-five feet.

Notice to be given of taking houses of labouring classes.

14. The Associated Companies 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

Associated Companies shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Associated Companies have made known their intention to take the same in manner herein-before required.

Penalty imposed unless the railway is opened within the time limited.

15. If the Associated Companies fail within the period limited by this Act to complete the railway, the Associated Companies shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway, and the said penalties may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Associated Companies were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided always, that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

16. Every sum of money recovered by way of penalty 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 Associated Companies 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 sum or sums of money so recovered by way of

A.D. 1873.

penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered, 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.

Period for completion of works.

17. 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 Associated Companies 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 to the Lords of the Admiralty to require narrow gauge rails to be laid down on branch to Keyham Dockyard.

18. And whereas by the Great Western, Bristol and Exeter, and South Devon Railway Companies (Cornwall and West Cornwall Railways) Act, 1871, the Associated Companies on the one hand, and the Lords of the Admiralty on the other hand, are empowered from time to time to enter into and carry into effect arrangements and agreements with reference to the extension and improvement of the works connecting the Cornwall Railway with the Government Dockyards at Devonport and Keyham respectively, and by the Devon and Cornwall Railway (Extensions to Plymouth and Devonport) Act, 1873, provision is made for the laying down by the Associated Companies on so much of the Cornwall Railway as lies between the junction therewith of the loop line at Plymouth of the South Devon Railway Company and a point thereon ten chains to the northward of the junction therewith of the branch railway to Keyham Dockyard aforesaid: And whereas the Lords of the Admiralty are desirous that the narrow gauge should be extended over the said last-mentioned branch railway into Her Majesty's steam factory yard at Keyham: Therefore the Associated Companies may, and shall on the requirement of the Lords of the Admiralty, cause a rail or rails to be laid from the junction of the Cornwall Railway with the branch railway to Keyham Dockyard

over that branch, to adapt the same for the passage of engines and carriages on the narrow gauge, and shall complete the same and the works connected therewith under the superintendence and to the reasonable satisfaction of the Director of Admiralty Works for the time being, subject to the payment by the Lords of the Admiralty to the Associated Companies of such pecuniary consideration as is provided for by the articles of agreement dated the fifteenth day of December one thousand eight hundred and sixty-five, and made between the Cornwall Railway Company of the one part and the Lords of the Admiralty of the other part, with respect to the additional works therein referred to.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

19. And whereas it is necessary that the lands, hereditaments, and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all obstruction: Be it therefore enacted, that nothing in this Act contained shall authorise the Associated Companies to enter upon, use, or interfere with any land, soil, or water, or any right in respect thereof, or to take away, lessen, prejudice, or alter any of the rights, privileges, or powers vested in or exercised by the said Principal Secretary for the time being, without his previous consent signified in writing under his hand, and which consent the said Principal Secretary for the time being is hereby authorised to give, subject to such special or other conditions as he shall see fit to impose on the said Companies.

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

20. The Associated Companies 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 Associated Companies or one of them to construct any other railway or to execute any other work or undertaking.

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

21. Nothing in this Act contained shall exempt 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.

A.D. 1873.

Expenses of Act.

22. All the costs, charges, and expenses of applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Associated Companies in the proportions in which they respectively contributed to the expenditure in respect of the West Cornwall Railway for the year preceding the date of the passing of this Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.