CHAPTER cxi.

An Act to authorise the Liskeard and Caradon Railway Company to make certain railways and works for the improvement and extension of their existing railway and for other purposes. [12th July 1882.]

A.D. 1882.

WHEREAS it is expedient that the Liskeard and Caradon Railway Company (in this Act called "the Company") should be authorised to make the railways in the county of Cornwall by this Act authorised in connexion with their existing railway and to improve their existing railway and render the same better adapted for the conveyance of passengers.

And whereas the construction of the intended railways or some of them will render unnecessary portions of the said existing railway and it is expedient that those portions should be abandoned and the site thereof sold so far as the same may not be required for the purposes of the Company's undertaking.

And whereas the Company have from time to time applied sums of money from their profits upon works properly chargeable to capital account and the sums so expended amount to more than fifteen thousand pounds and it is expedient that the Company should be authorised to borrow five thousand pounds in respect thereof.

And whereas the Company have not issued any debenture stock.

And whereas a plan and section showing the line and levels of the proposed railways and the lands in or through which they are intended to be made or which may be taken under the powers and for the purposes of this Act together with a book of reference to the plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been deposited with the clerk of the peace for the county of Cornwall and such documents are respectively in this Act referred to as the deposited plan section and book of reference respectively.

A.D. 1882.

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 Liskeard and Caradon Railway Act 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 Part I. of the Railways Clauses Act 1863 relating to construction of a railway and the provisions of the Companies Clauses Consolidation Act 1845 with respect to the several matters following (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 the 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 the borrowed money into capital the consolidation of the shares into stock the giving of notices and the provision to be made for affording access to the special Act and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act—

The expression "the incorporated Acts" shall mean the Acts and parts of Acts incorporated with this Act ;

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings ;

In the incorporated Acts for the purposes of this Act—

The expression "the special Act" shall mean this Act ;

The expression "the Company" or "the promoters of the undertaking" or other like expression shall mean the Liskeard and Caradon Railway Company ;

In the incorporated Acts for the purposes of this Act and in this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used

was a simple contract debt and not a debt or demand created by statute unless in any of the cases aforesaid there be something in the subject or context repugnant to such construction.

Power to make railways &c.

4. Subject to the provisions of this Act the Company may make (so far as the same are not made) and maintain in the lines or within the limits of deviation shown on the deposited plan and according to the levels shown on the deposited section 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 plan and described in the deposited book of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are the following:—

1. A railway (in this Act called "railway No. 1") 5 furlongs and 5·30 chains in length commencing by a junction with the railway of the Company near their engine shed at Moorswater and terminating in an orchard adjoining Lanchard Lane belonging or reputed to belong to James Godfrey Railway No. 1 will be wholly situate in the borough and parish of Liskeard.
2. A railway (in this Act called "railway No. 2") 3 miles 7 furlongs and 7 chains in length commencing by a junction with the railway of the Company in the borough and parish of Liskeard and terminating in the parish of St. Cleer by a junction with the Tokenbury branch of the Company.
3. A railway (in this Act called "railway No. 3") 3 miles 2 furlongs and 4·25 chains in length commencing in the parish of St. Cleer by a junction with the said Tokenbury branch and terminating in the parish of Linkinhorne near Sargent's Corner.
4. A railway (in this Act called "railway No. 4") 4 furlongs and 7 chains in length commencing by a junction with railway No. 3 and terminating at Phœnix Mine Railway No. 4 will be wholly situate in the parish of Linkinhorne.
5. A railway (in this Act called "railway No. 5") 1 furlong and 7·80 chains in length commencing by a junction with railway No. 3 and terminating near the Primitive Methodist Chapel at Cheesewring village Railway No. 5 will be wholly situate in the parish of Linkinhorne.
6. A railway (in this Act called "railway No. 6") 1 mile 1 furlong and 8 chains in length commencing by a junction with railway No. 5 and terminating in the parish of St. Cleer at or near the stone quarry known as Gold Diggings Quarry.

A.D. 1882.

7. A railway (in this Act called "railway No. 7") 5 miles 3 furlongs and 9·40 chains in length commencing in the parish of Linkinhorne by a junction with railway No. 3 and terminating in the parish of Altarnun in Trewint Marsh adjoining the main road from Launceston to Bodmin.

But the provisions of the Lands Clauses Consolidation Act 1845 with respect to the entry upon purchase and taking of lands otherwise than by agreement shall not be applicable with respect to any land required solely for the purposes of railway No. 4 or railway No. 6.

Power to take easements &c. by agreement.

5. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of such Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Railways to form part of Company's undertaking.

6. Subject to the provisions of this Act railways No. 3 No. 4 and No. 5 which are completed and in use and the other railways and works by this Act authorised shall for the purposes of tolls and charges and in all other respects form part of the undertaking of the Company.

Lands for extraordinary purposes.

7. 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 five acres.

Limiting time for compulsory purchase.

8. 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.

9. 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 continue the railway as now constructed across and on the level of the road next herein-after mentioned (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.
47A	St. Cleer - - -	Public road.

A.D. 1882.

Inclination of roads.

10. 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.
3	St. Cleer -	Public road -	1 in 15 feet on one side of the bridge and level on the other.
22	St. Cleer -	Public road -	1 in 12 feet on one side of the bridge and level on the other.
39	St. Cleer -	Public road -	1 in 11 feet on one side of the bridge and level on the other to the existing slope.
76	St. Cleer -	Public road -	1 in 12 feet.

Height and span of bridges.

11. 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.
3	St. Cleer - -	Public road -	15 feet -	20 feet.
22	St. Cleer - -	Public road -	15 feet -	20 feet.
39	St. Cleer - -	Public road -	15 feet -	20 feet.
76	St. Cleer - -	Public road -	15 feet -	20 feet.

Width of a certain roadway.

12. 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) :—

No. on Plan.	Parish.	Description of Road.	Width of Roadway.
48	Parish and borough of Liskeard.	Public road - -	20 feet.

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

13. If the Company fail within the period limited by this Act to complete the railways which they are by this Act authorised to make the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said

A.D. 1882.

railways are 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 or railways not completed and the said penalty 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 or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 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 on behalf of the Chancery Division of the High Court of Justice in England 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 Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

17 & 18 Vict. c. 31.

Application of penalty.

14. Every sum of money so 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 not completed or of 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 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 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 by way of penalty 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 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.

15. If the railways by this Act authorised and herein-before described are not completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much of the railway respectively so not completed as is then completed.

Parts of existing railway to be abandoned.

16. The Company shall abandon and cause to be discontinued as a railway so much of their existing railway as will be rendered unnecessary by the construction of any of the railways by this Act authorised as and when with respect to each portion thereof the railway by this Act authorised which renders it unnecessary shall be completed and opened for public traffic.

Site of railways abandoned to be sold unless required for the undertaking.

17. The Company shall subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands sell all the lands upon which any part of a railway abandoned under the provisions of this Act is situate except such of the said lands as may be required for the purposes of their undertaking.

Classification table to be open to inspection and copies to be sold.

18. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling:

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified:

A.D. 1882.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act, 1873.

36 & 37 Vict. c. 48.

Power to apply existing authorised capital to purposes of this Act.

19. The Company may raise and apply to the purposes of this Act any money which they are authorised to raise by any other Act and which may not be required for purposes to which by that Act it is authorised to be applied.

Power for the Company to raise capital by shares or stock.

20. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue at their option of ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole thirty thousand eight hundred pounds.

Shares or stock to form part of Company's general capital.

21. All shares or stock to be created by the Company under the authority of this Act shall subject to the provisions of this Act form part of the general capital of the Company.

One-fifth part of the shares to be paid on issue.

22. It shall not be lawful for the Company to issue any share to be created under the powers of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid up in respect thereof.

Calls.

23. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three fourths of a share in any year.

Power to borrow on mortgage.

24. The Company may from time to time borrow on mortgage any sums not exceeding in the whole fifteen thousand three hundred pounds and may borrow not exceeding five thousand pounds of that amount at any time after the passing of this Act but no part of the remaining ten thousand three hundred pounds thereof shall be borrowed until the whole additional capital of thirty thousand eight hundred 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 shares for the whole amount of such additional capital as is to be raised by shares have 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if such capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

Provisions of Act of 1860 as to appointment of a receiver repealed. 23 & 24 Vic c. xx.

25. The provisions of the Liskeard and Caradon Railway Act 1860 authorising the appointment of a receiver for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appointment of a receiver.

26. 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-tenth part of the amount which the Company have borrowed on mortgage.

Saving priority of existing mortgages.

27. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

28. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

A.D. 1882.

but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of money raised under Act.

29. All moneys raised under this Act whether by shares or stock or debenture stock or borrowing shall be applied only for the purposes of the Liskeard and Caradon Railway Act 1860 and this Act or one of them.

Saving the rights of the Duchy of Cornwall.

30. 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 sec. 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said Duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty her heirs or successors in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

26 & 27 Vict. c. 49.

Interest not to be paid on calls paid up.

31. 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.

32. 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.

A.D. 1882.

Provisions as to general Railway Acts.

33. Nothing in this Act contained shall exempt the railways by this Act authorised to be made 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.

Costs of Act.

34. 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.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.