CHAPTER clvi.

An Act to confer further powers on the North Cornwall Railway Company. [20th July 1896.]

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WHEREAS by the North Cornwall Railway Act 1882 (herein-after referred to as "the Act of 1882") the North Cornwall Railway Company (herein-after referred to as "the Company") were authorised to make and maintain railways from Padstow in Cornwall to Wadebridge and Launceston in the same county and to Halwill in Devon forming junctions with the Bodmin and Wadebridge Railway at Wadebridge the Launceston and South Devon Line of the Great Western Railway Company at Launceston and the Holsworthy Line of the London and South Western Railway Company at Halwill and in connexion therewith to make and maintain deviations and improvements in the line of the Bodmin and Wadebridge Railway:

And whereas by the North Cornwall Railway Act 1884 (herein-after referred to as "the Act of 1884") the Company were authorised to constitute the portion of the railway between Halwill and Launceston authorised by the Act of 1882 a separate undertaking under the name of the Launceston and Halwill Line and to raise a separate share capital of one hundred and fifty thousand pounds for that purpose with such borrowing powers as were by the Act given:

And whereas the said capital of the Launceston and Halwill Line has been raised and that line has been constructed and opened for traffic:

And whereas by the North Cornwall Railway Act 1891 (herein-after referred to as "the Act of 1891") the Company were authorised to constitute the portion of railway between Launceston and Delabole authorised by the Act of 1882 a separate undertaking under the name of the Launceston and Delabole Line and to raise a separate share capital of one hundred and eighty-seven thousand pounds for that purpose with such borrowing powers as were by the Act given:

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And whereas the said capital of the Launceston and Delabole Line has been raised and that line has been constructed and opened for traffic:

And whereas a statement showing the distribution of the capital between the various undertakings is set out in the schedule to this Act:

And whereas by the North Cornwall Railway Act 1893 (herein-after referred to as "the Act of 1893") the Company were authorised to constitute the portion of railway between Delabole and Wadebridge authorised by the Act of 1882 a separate undertaking and to raise a separate share capital of one hundred and fifty thousand pounds for that purpose with such borrowing powers as were by the Act given:

And whereas the Company have constructed and opened for traffic the portion of their railway from Delabole to Wadebridge in the county of Cornwall and are desirous of constructing the remaining portion of their railway from Wadebridge to Padstow:

And whereas the sum of eighty-eight thousand pounds is required for the construction of the Padstow Line which consists of Railway No. 1 authorised by and described in the Act of 1882 and it is expedient that such line should be constituted a separate undertaking with a separate and distinct capital as by this Act provided:

And whereas by the North Cornwall Railway Acts 1885 1888 and 1891 (herein-after referred to as "the Acts of 1885 1888 and 1891") the times limited by the Act of 1882 for the purchase of lands for and the completion of the railway and works between Delabole and Padstow were further extended until the eighteenth day of August one thousand eight hundred and ninety-four and the eighteenth day of August one thousand eight hundred and ninety-six respectively and it is expedient that such periods should be further enlarged and extended in respect of the railway and works between Wadebridge and Padstow as herein-after provided:

And whereas by the North Cornwall Railway Act 1894 the times limited by the Act of 1882 for the purchase of lands for and the completion of the railway and works between Wadebridge and Padstow were further extended until the eighteenth day of August one thousand eight hundred and ninety-seven and the eighteenth day of August one thousand eight hundred and ninety-nine respectively except for so much of Railway No. 1 as lies between the points marked one furlong and one mile four furlongs respectively on the plans deposited with respect to such railway which former point is in the parish of Padstow and which latter point is in the parish of St. Issey both in the county of Cornwall and it is

expedient that the powers over that portion of Railway No. 1 should be revived and extended:

And whereas it is expedient that the Company should be empowered to acquire the lands herein-after described:

And whereas it is expedient that the Company should be empowered to enter into agreements with the London and South Western Railway Company and with the proprietors of all or any of the separate undertakings of the North Cornwall Railway Company:

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 North Cornwall Railway Act 1896.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Act of 1882 or by the Acts wholly or partially incorporated therewith have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Incorporation of Acts.

3. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part II. (relating to extension of time) 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.

Capital.

4. Of the capital of six hundred and sixty thousand pounds which by the Act of 1882 the Company are authorised to raise by shares eighty-eight thousand pounds part thereof not yet issued shall be a separate capital of the Company for the Padstow Line and shall be distinguished as the Padstow Line capital Provided that the Company shall not raise any money on mortgage or by debenture stock in respect of such share capital of eighty-eight thousand pounds.

Votes of holders of Padstow Line capital.

5. Shares and stock in the Padstow Line capital shall not confer on holders thereof any right of voting or interference at any meeting of the Company not relating to matters affecting the Padstow separate undertaking except for the election of directors and auditors and in any matters affecting the said shareholders or stockholders respectively for both of which matters such share-

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holders and stockholders shall have the same right of voting as the shareholders and stockholders in the general capital of the Company.

Dividends on Padstow Line capital.

6. Shares and stock in the Padstow Line capital shall be entitled to dividends only out of the profits of the Padstow separate undertaking applicable for dividends and the certificates of such shares or stock shall distinctly denote that such shares or stock are entitled to dividends only out of those profits.

Holders of general capital not to interfere with expenditure of Padstow Line capital.

7. It shall not be lawful for the holders of shares or stock in the general capital of the Company to interfere with the expenditure of the Padstow Line capital.

Company to keep separate accounts.

8. The Company shall keep separate and distinct accounts of their receipts credits payments and liabilities with respect to or on account of the Padstow Line capital and revenue.

Application of moneys.

9. All moneys from time to time raised or received by the Company on account of capital or of revenue with respect to or on account of the Padstow separate undertaking shall be applied for the purposes of that undertaking only.

Moneys to be applied to capital purposes only.

10. The Padstow Line capital shall be applied only for the purposes of the Act of 1882 and this Act relating to the Padstow separate undertaking to which capital is properly applicable.

Padstow Line to be constituted a separate undertaking.

11. Subject to the provisions of this Act the Padstow Line shall be a separate and distinct undertaking of the Company under the name of the Padstow separate undertaking.

Mortgages &c. charged on other separate undertakings not to affect Padstow separate undertaking.

12. The mortgages or debenture stock granted or issued by the Company in respect of the Halwill and Launceston separate undertaking the Launceston and Delabole separate undertaking and the Delabole and Wadebridge separate undertaking authorised respectively by the North Cornwall Railway Acts 1884 1891 and 1893 shall not comprise or affect the Padstow separate undertaking.

Reviving and extending time for purchase of lands.

13. The powers of the Act of 1882 with respect to the compulsory purchase or taking of lands and buildings for the portion of Railway No. 1 which lies between the points marked one furlong and one mile four furlongs respectively on the plans deposited with respect to such railway which former point is in the parish of Padstow and which latter point is in the parish of St. Issey both in the county of Cornwall shall be and the same are hereby revived and extended and shall continue in force until the eighteenth day of August one thousand eight hundred and ninety-nine and after that day shall cease except so far as such powers shall then have been exercised.

Extending time for completing railways.

14. The time limited by the Act of 1882 for the construction and completion of the above-mentioned portion of the railway and works shall be and the same is hereby extended and shall continue in force until the eighteenth day of August one thousand nine hundred and one.

Time limited for completing railways.

15. If the portion of the railway and works above-mentioned shall not be completed within the period limited by this Act then on the expiration of such period the powers by the Acts of 1882 1885 1888 and 1891 and this Act granted to the Company for making and completing such portion of railway and works or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Power to Company to acquire additional lands.

16. Subject to the provisions of this Act the Company may enter upon take use and appropriate for the purposes of their undertaking the lands herein-under described or referred to delineated on the deposited plans and described in the deposited books of reference (that is to say) Certain lands and houses at Wadebridge in the parish of St. Breock in the county of Cornwall adjoining Molesworth Street belonging or reputed to belong to the trustees of the late Sir William Molesworth.

Restriction on taking houses of labouring class.

17. The Company shall not under the powers of this Act or of any former Act revived or extended by this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Saving rights of Duchy of Cornwall.

18. 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 regular officers of the said duchy or of such other persons as may be duly

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authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act exercisable or otherwise for the time being exercisable 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.

Saving for Postmaster-General.

19. Nothing in this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company or any part thereof is leased or worked by the London and South Western Railway Company (herein-after referred to as "the South Western Company").

Power to South Western Company and proprietors of separate undertakings of Company to subscribe and guarantee.

20. The South Western Company and the proprietors of the Launceston and Halwill Launceston and Delabole and Delabole and Wadebridge separate undertakings of the Company may jointly or severally with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting specially convened for the purpose from time to time subscribe any sum which they think fit towards the Padstow separate undertaking and the said proprietors may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their own undertaking And the said South Western Company and the said proprietors may with the authority aforesaid jointly or severally guarantee to and for the Company interest dividends and annual or other payments on all or any of the shares or stock of the Padstow separate undertaking and they may also guarantee the principal and interest of any mortgages or any interest on debenture stock rent or other fixed charges of the said separate undertaking or the whole or any part of the working expenses thereof The proprietors of the Padstow separate undertaking may with the authority aforesaid

grant and the South Western Company may with the authority aforesaid take a lease of the Padstow separate undertaking upon such terms as to rent or otherwise as may be agreed upon.

Padstow separate undertaking to be worked in an efficient manner.

21. Whereas the South Western Company are working the railways of the Company so far as they are now opened for traffic and are under agreement to work the remainder of the railways of the Company when constructed The Company or the South Western Company after the opening of the railways comprised in the Padstow separate undertaking for the public conveyance of passengers shall work the said railways and convey the traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the Padstow separate undertaking In case any difference shall arise between the Company or the South Western Company and any of the holders of shares in the Padstow separate undertaking with respect to the working or non-working or insufficient working by the Company or the South Western Company of the railways comprised in the Padstow separate undertaking or otherwise in relation thereto whereby the holders of the shares in the said undertaking deem themselves to be injuriously affected such difference shall be settled by the Railway and Canal Commission and the Commission shall have full power to settle and determine any such difference and to order the Company or the South Western Company to do or to abstain from doing all such acts matters and things as the Commission shall think fit and to make such order with respect to the costs of such determination as the Commission shall think just In case the Company or the South Western Company make default in complying with any of the requirements of any such order within the time prescribed then and in every such case the Company so in default shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty of five pounds for every day (after the first) during which such default shall continue The Railway and Canal Commission shall have the same jurisdiction to hear and decide any application made to them under this section as they have to hear complaints made under section 9 of the Railway and Canal Traffic Act 1888.

Interest not to be paid on calls paid up.

22. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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

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actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

23. 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.

Provision as to general Acts.

24. Nothing in this Act contained shall exempt any Company named in this Act or the railways of such 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 revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the authorised rates for small parcels.

Costs of Act.

25. 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.

SCHEDULE.

Capital authorised and created by the Company.

Acts of Parliament.	Capital authorised.			Capital created or sanctioned.			Balance.		
	Stocks and Shares.	Debenture Stock.	Total.	Stocks and Shares.	Debenture Stock.	Total.	Stocks and Shares.	Debenture Stock.	Total.
	£	£	£	£	£	£	£	£	£
North Cornwall Railway Act 1882 -	660,000	220,000	880,000						
Launceston and Halwill Line capital—North Cornwall Railway Act 1884 - -	150,000	50,000	200,000	150,000	50,000	200,000			
Launceston and Delabole Line capital—North Cornwall Railway Act 1891 -	187,000	62,000	249,000	187,000	62,000	249,000			
Wadebridge Line capital—North Cornwall Railway Act 1893 -	150,000	50,000	200,000	150,000	50,000	200,000			

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