CHAPTER cxlii.

An Act for incorporating the St. Austell Valleys Railway and Dock Company and authorising them to purchase the St. Austell and Pentewan Railway and to convert and maintain the same and to make and maintain new Railways and Works in the county of Cornwall in connection therewith and to purchase and maintain Pentewan Dock and for other purposes. [19th July 1887.] A.D. 1887.

WHEREAS the purchase of Pentewan Harbour and the existing St. Austell and Pentewan Railway connected therewith and the making and maintaining of the railways and deviation railway by this Act authorised would be of public and local advantage:

And whereas by reason of the high summit levels of the railways and the steepness of the gradients occasioned thereby the expenses of working the railways will be considerably increased and under these circumstances it is expedient that the Company be authorised to demand and take in respect of the railways the tolls by this Act authorised:

And whereas it is expedient that certain agreements entered into by or on behalf of the Company should be confirmed and made binding on the Company and the other parties thereto respectively:

And whereas the persons hereinafter in that behalf named with others are willing to undertake the same on the powers hereinafter contained being conferred upon them and it is expedient that they be incorporated into a company for that purpose:

And whereas it is expedient that powers as in this Act contained should be conferred on the Company hereby incorporated for the management and regulation of their dock and railway undertakings:

And whereas it is expedient that the Company should be empowered to acquire additional lands for the purposes of their undertaking:

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And whereas plans and sections showing the lines and levels of the railways deviation railway and other works authorised by this Act and also 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 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 hereinafter respectively referred to as the deposited plans sections and books of reference:

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 St. Austell Valleys Railway and Dock Act 1887.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act Provided always that for the purposes of this Act the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force except so far as may from time to time be required by the Board of Trade.

Interpretation.

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 and for the purposes of this Act the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means the undertaking of the Company by this Act authorised the expressions "the railway" and "the railways" mean respectively the St. Austell and Pentewan Railway and the railways by this Act authorised the expression "the dock" means

the dock at Pentewan by this Act authorised to be purchased by the Company 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.

Company incorporated.

4. The Right Honourable William Henry Earl of Mount Edgcumbe Sir Charles Brune Graves-Sawle Baronet John Tremayne Christopher Henry Thomas Hawkins Thomas Stocker William Lovering John Edward Veale Thomas Hitchins Walter Hicks John Lovering Junior Thomas Martin Alfred Singer Chinnock Henry William Higman William Nicholls Joseph Eliott William Trethewy 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 purchasing maintaining working and using the dock and the St. Austell and Pentewan Railway connected therewith and making maintaining working and using railways and a deviation railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the St. Austell Valleys Railway and Dock 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 Provided always that within three months from the date of the purchase of the dock or railway aforesaid the Company shall produce to the Commissioners of Inland Revenue a deed of conveyance duly stamped and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

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 and deviation railway hereinafter described with all proper stations sidings approaches junctions works and conveniences connected therewith or incidental thereto 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 that purpose Provided that it shall not be lawful for the Company to enter upon take or use any lands not being turnpike roads or public highways for the

A.D. 1887. purposes of Railway No. 3 except by agreement with the owners lessees and occupiers thereof but nothing herein contained shall prevent or interfere with the carrying of that railway across any turnpike road or public highway The railways hereinbefore referred to and authorised by this Act are wholly situate in the county of Cornwall and are :—

Railway No. 1.—A railway 2 miles 7 furlongs and 3·90 chains in length commencing in the parish of St. Austell by a junction with the St. Austell and Pentewan Railway $2\frac{1}{4}$ chains or thereabouts measured along that railway in a south-easterly direction from the termination thereof near the public highway known as Western Hill and terminating in the same parish at the south-western corner of the clay dry known as Higher Ninestones Dry which dry is numbered 1385 on the Ordnance Survey map of the parish of St. Austell to the scale of 25·344 inches to a statute mile.

Railway No. 2.—A railway 2 miles 3 furlongs and 2·70 chains in length commencing in the said parish of St. Austell by a junction with the intended Railway No. 1 2 chains or thereabouts measured in a northerly direction from the junction of Gover Road with the Truro Road and $5\frac{3}{4}$ chains or thereabouts measured in a south-easterly direction from the junction of Grove Lane with Gover Road aforesaid terminating in the parish of St. Mewan at the south-eastern corner of the Alviggan or Halviggan Clay Dry which dry is numbered 68 on the Ordnance Survey map of the said parish of St. Mewan to the scale of 25·344 inches to a statute mile.

Railway No. 3.—A railway 8·10 chains in length commencing in the said parish of St. Austell by a junction with the intended Railway No. 1 4 chains or thereabouts measured in a northerly direction from the junction of Gover Road aforesaid and $4\frac{1}{4}$ chains or thereabouts measured in a south-easterly direction from the junction of Grove Lane with Gover Road aforesaid and terminating in the same parish inside the yard of the steam flour mill known as the Town Mill occupied by Thomas Hitchins 1 chain or thereabouts measured in a north-easterly direction from the gateway leading from Blowing House Lane into the said mill.

Railway No. 4.—A railway 5 furlongs 2·30 chains in length commencing in the said parish of St. Austell by a junction with the intended Railway No. 1 $5\frac{3}{4}$ chains or thereabouts measured in a northerly direction from the Providence Bible Christian Chapel Carthew and $6\frac{1}{4}$ chains or thereabouts measured in a

south-westerly direction from the Ordnance Survey bench mark on the Carthew Inn and terminating in the same parish at the south-west corner of the clay dry known as Gunheath which dry is numbered 950 on the said Ordnance Survey map of the said parish.

A deviation Railway (No. 1) 4 furlongs 6·30 chains in length commencing in the said parish of St. Austell by a junction with the said St. Austell and Pentewan Railway 19¼ chains or thereabouts from the northernmost reservoir of the said railway and 13¾ chains or thereabouts measured in a north-easterly direction from Heligan Lower Lodge and terminating in the parish of St. Ewe by a junction with the St. Austell and Pentewan Railway 18½ chains or thereabouts from Nansladron Entrance Lodge.

Gauge.

6. The Company may convert and alter the railway from its present gauge of two feet six inches to the gauge of three feet and may construct the railways and deviation railway by this Act authorised on the same gauge and may work and maintain the railway when so converted and the said railways and deviation railway on that gauge.

Limiting common land to be taken.

7. Notwithstanding anything in this Act or on the deposited plans the Company shall not purchase and take any greater quantity of the common known as Treewoon Common otherwise called Burngullow Common than one-third of an acre.

Capital.

8. The capital of the Company shall be eighty thousand pounds in eight thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

9. 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.

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

Receipt in case of persons not sui juris.

11. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

12. All moneys raised under this Act shall be applied only for the purposes of this Act to which capital is properly applicable.

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First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

16. The quorum of a meeting of directors shall be three.

First directors.

17. Sir Charles Brune Graves-Sawle Baronet Thomas Stocker William Trethewy John Edward Veale Thomas Hitchins and two other persons 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 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 the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of 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 died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extra-ordinary purposes.

18. 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 three acres But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken by agreement under the powers of this section not shown on the deposited plans and described in the books of reference.

Period for compulsory purchase of lands.

19. 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 take ease-

20. 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 that Act and of the Lands Clauses Consolidation Acts Amendments 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. ments by agreement.

21. The Company may from time to time enter into and carry into effect agreements with any owner or lessee of lands or china clay or other works adjoining or near to the railways as to the construction management and maintenance working and use of branch railways or sidings on lands belonging to them to be connected with the railways of the Company and the provision of funds for that purpose. Construction of branch railways and sidings.

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 railways carry the same across and on the level of the roads next hereinafter mentioned (that is to say):— Power to cross certain roads on the level.

No. on deposited Plans.	Parish.	Description of Road.
15	St. Austell	Public highway (Western Hill).
43	St. Austell	Public highway (Grove Lane).
55	St. Austell	Public highway (Trenance Lane).
43	St. Austell	Public highway (Grove Lane).
247	St. Austell	Public highway.
40	St. Mewan	Public highway.
40	St. Austell	Public highway (Blowing House Lane).

23. Notwithstanding anything contained in Part I of the Railways Clauses Act 1863 the Company shall not be required to erect or maintain lodges at the following points viz. :—where Railway No. 2 crosses the following roads Nos. 43 and 247 in the parish of St. Austell and No. 40 in the parish of St. Mewan where Railway No. 3 crosses No. 40 in the parish of St. Austell and where the existing railway crosses the road leading to Ponddhu and notwithstanding anything contained in the Railways Clauses Consolidation Act 1845 the Company shall unless otherwise ordered by the Board of Trade keep the gates at all public crossings permanently closed against the railway except during the time when trains along the railway have to pass over such crossings and the Company shall Company not to be required to erect or maintain lodges at certain points.

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provide foot-bridges at the places where the railways will cross the roads numbered respectively 15 43 55 and 40 in the parish of St. Austell and the Company shall carry Railway No. 1 across the road No. 43 aforesaid upon the square and shall turn the occupation road adjacent to the said crossing into the said road on the eastern side of the said crossing.

Inclination of roads.

24. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
30	St. Austell	Public highway (Bridge Lane)	1 in 12.
35	St. Austell	Public highway (Gover Road)	1 in 19.
91	St. Austell	Public highway (Bodmin Road)	1 in 15 and 1 in 29.

Width of certain roadway.

25. The Company may make the roadway over the bridge by which the following road will be carried over the railways of such width between the fences thereof as the Company think fit not being less than the width hereinafter mentioned in connexion therewith (that is to say):—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
31	St. Austell	Public highway and raised foot-path (Truro Road).	30 feet

Power to divert roads as shown on deposited plans.

26. The Company may divert the public highways referred to in the next following table as shown upon the deposited plans and when and as in each case the new portion of the road is made to the satisfaction of the justices and open for use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Railway.	Parish.	No. of Road on Plan.
No. 2	St. Mewan	2
No. 2	St. Mewan	5

and when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may

subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Company to carry highway leading from St. Austell to Mevagissey over line if required.

27. The Company will (if called on by the Board of Trade or by Edward Coode of Moor Cottage St. Austell to do so) carry the highway leading from St. Austell to Mevagissey over their line at the end of a bridge called the Iron Bridge by means of a bridge of the same width as the Iron Bridge provided that this provision shall not be binding on the Company unless the consent of the Highway Board and of the owners lessees or occupiers whose land will be affected by such alteration in the highway and the construction of the bridge has first been obtained.

Engines used to be free from noise. Machinery to be concealed from view.

28. Any engine to be used on the railway between St. Austell and Pentewan shall be free from noise produced by blast and from the clatter of machinery such as to constitute any reasonable ground of complaint either to the passengers or to the public The machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engines shall be concealed from view and no smoke or steam shall be emitted from the engine so as to constitute any reasonable ground of complaint to passengers or to the public.

For the protection of the Cornwall and Great Western Railway Companies.

29. For the protection of the Cornwall Railway Company (in this section called the Cornwall Company) and of the Great Western Railway Company (in this section called the Great Western Company) the following provisions shall have effect (that is to say):—

Not to enter on lands of Cornwall Company until plans of proposed works affecting that Company approved.

1. The Company shall not enter upon or interfere with the Cornwall Railway or any of the viaducts piers lands or works of the Cornwall Company or execute any works whatever under over or affecting the same until the Company shall have delivered to the secretary for the time being of the joint committee appointed for the purposes of the existing lease of the Cornwall Railway plans and drawings of such intended works and those plans and drawings shall have been approved in writing by an engineer to be appointed for that purpose by the said joint committee or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such

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approved plans and drawings and to the reasonable satisfaction of the said engineer appointed by the said joint committee or in case of difference by an engineer to be appointed by the Board of Trade.

As to execution of the railways on lands of Cornwall Company.

2. In constructing the Railways Nos. 1 and 2 by this Act authorised through or under the respective viaducts of the Cornwall Railway shown on the deposited plans and through the lands and property of the Cornwall Company the Company shall not without the consent of the engineer appointed by the said joint committee deviate from the centre line shown on the deposited plans where Railways Nos. 1 and 2 respectively cross under the said viaducts of the Cornwall Company without the previous consent in writing of that Company and the Great Western Company under the hands of their respective secretaries and such crossings of the viaducts and lands of the Cornwall Company shall be effected in such a manner as not to injure the stability of the viaducts piers railway and works of the Cornwall Company in any way whatever.

Company to pay to Great Western Company expenses of watchmen during construction of works.

3. The Company shall bear and on demand pay to the Great Western Company or the joint committee as the case may be the reasonable expense of the employment by them during the making of the railways by this Act authorised under and adjacent to the Cornwall Railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the Cornwall Railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise.

Damages sustained to be repaid.

4. Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the said joint committee or the Great Western Company as the case may be all losses costs damages and expenses which may be occasioned to them or any of the works or property of the Cornwall Company leased to the Great Western Company or to the traffic on the Cornwall Railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise

and the Company shall effectually hold harmless and indemnify the said joint committee or the Great Western Company as the case may be from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

Not to interfere with traffic on Cornwall railway.

5. In constructing the railways above described and by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the Cornwall Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the said joint committee or the Great Western Company as the case may be the sum of twenty pounds per hour during which any such obstruction or interference shall continue.

No land of Cornwall Company to be taken except for certain works.

6. Except for the purpose of the crossings of Railways Nos. 1 and 2 by this Act authorised the Company shall not take or acquire any land of the Cornwall Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Cornwall Company or to alter vary or interfere with the railway of that Company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the railways by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Cornwall Company and the Great Western Company respectively under the hands of their respective secretaries and with respect to any lands of the Cornwall Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossings or otherwise the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment.

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Company to pay for easement.

7. The Company shall pay to the Great Western Company or the Cornwall Company as the case may be by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement.

As to rebuilding, &c. of existing viaducts and construction of additional viaducts on Cornwall Railway.

8. Nothing in this Act contained shall prevent or hinder the Cornwall Company from rebuilding re-constructing altering widening or repairing the respective viaducts on the Cornwall Railway shown on the deposited plans and hereinbefore referred to or either of them or prevent or hinder the Cornwall Company from constructing new viaducts or a new viaduct in substitution for or in addition to the said respective viaducts or either of them and the Company shall not be entitled to any compensation in respect of the construction of any of the works hereinbefore referred to over their said railways or either of them or for any easement or easements over their lands Provided always that in the execution of any such works the Cornwall Company shall not stop or unnecessarily interfere with the passage of traffic along the said railways or either of them.

Arbitration.

9. Except as herein otherwise provided if any dispute shall arise between the Great Western Company the Cornwall Company and the joint committee or either of them and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers in London the costs of such arbitration to be in the discretion of such arbitrator.

Saving rights of the Great Western and Cornwall Railway Companies.

10. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Great Western Company the Cornwall Company and the joint committee or either of them otherwise than is by this Act expressly provided.

Provisions as to taking houses of labouring class.

30. (1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were

occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until:

(*a.*) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b.*) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

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Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may deem fit.

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have

all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) For the purposes of this section the expression "labouring classes" includes mechanics artizans 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.

Deposit money not to be repaid except as far as railway opened.

31. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of Her present Majesty chapter twenty a sum of one thousand seven hundred and seventy-five pounds cash being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration limited by this Act for completion of so much of the railways as the Company are permitted to carry passengers upon open the same for the public conveyance of passengers and open the residue for goods traffic Provided that if within such period as aforesaid the Company open any of the said portion of the railways for the public conveyance of passengers and any portion of the residue for the conveyance of goods then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the

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railways so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein 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.

32. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers and goods respectively then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who 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 has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore 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 depositors.

Power to take additional lands for general purposes.

33. Subject to the provisions of this Act the Company may for the purposes of their undertaking enter upon take hold and use the lands and buildings or any of them shown on the deposited plans and described in the deposited books of reference as additional lands and therein numbered 1 2 3 4 5 and 6 in the parish of St. Austell.

Period for completion of works.

34. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Tolls for passengers animals goods &c.

35. The Company may demand and take in respect of the use of the railway and the railways any tolls not exceeding the following (that is to say):—

In respect of passengers and animals conveyed on the railway or the railways:

For every passenger the sum of twopence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile;

For every horse mule ass or other beast of draught or burden and for every ox cow bull or head of neat cattle the sum of one penny halfpenny per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile;

For every calf or pig the sum of one halfpenny per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile;

For every sheep lamb or other small animal one halfpenny per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per mile.

In respect of goods minerals and merchandise conveyed on the railway or the railways:

For all coals cinders oreweed dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence halfpenny per ton per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per ton per mile;

For all coke culm charcoal sand lime and limestone and all stones for building pitching and paving all bricks tiles slates clay chalk marl ironstone copper ore lead ore tin ore iron ore antimony and manganese and all other ores minerals and semi-metals timber and deals threepence halfpenny per ton per mile

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and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per ton per mile;

For all copper tin lead pig-iron bar-iron rod-iron hoop-iron and all other metals wrought-iron and iron castings not manufactured into utensils or other articles of merchandise fourpence halfpenny per ton per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per ton per mile;

For all sugar grain corn hides dyewoods earthenware timber staves tinned nails nails anvils vices and chains fivepence per ton per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per ton per mile;

For all cotton and other wools drugs manufactured goods fish and all other wares merchandise articles matters or things fivepence halfpenny per ton per mile and if conveyed in or upon any carriage belonging to the Company an additional sum of one penny per ton per mile;

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 or conveyed on any truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh.

Tolls for propelling power.

36. The toll which the Company may demand for the use of engines for propelling carriages on the railway or the railways shall not exceed one penny per mile for each passenger or animal and for each ton of goods in addition to the several other tolls or sums by this Act authorised.

Regulation as to tolls.

37. The following provisions shall be applicable to the fixing of tolls on the railway (that is to say):—

For passengers animals or goods conveyed on the railway or the railways for a less distance than three miles the Company may demand and take tolls as for three 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 three 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 imperial avoirdupois weight;

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 and single articles of great weight.

38. With respect to small parcels not exceeding four hundred pounds in weight and single articles of great weight notwithstanding the rates prescribed by this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

For the carriage of small parcels on the railway or the railways as follows:—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and fourpence;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eight pence;

For any parcel exceeding two hundred and fifty 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 shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight:—

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) shall exceed four tons but shall not exceed eight tons the Company may

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demand any such sum as they think fit not exceeding six pence per ton per mile;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they think fit.

Maximum rates for passengers.

39. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway or the railways including the tolls for the use thereof and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first class carriage the sum of three pence per mile;

For every passenger conveyed in a second class carriage the sum of two pence per mile;

For every passenger conveyed in a third class carriage the sum of one penny per mile.

Maximum rates for animals and goods.

40. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway or the railways including the tolls for the use thereof and for waggons or trucks or locomotive power and every other expense incidental to the conveyance (except a reasonable charge for loading or unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

For every horse mule or other animal hereinbefore classed therewith threepence per mile;

For every calf or pig twopence per mile;

For every sheep lamb or other small animal two pence per mile;

For all coals cinders oreweed dung and other articles hereinbefore classed therewith fourpence per ton per mile;

For all coke culm charcoal and other articles hereinbefore classed therewith fivepence per ton per mile;

For all copper tin lead pig-iron and other articles hereinbefore classed therewith sixpence per ton per mile;

For all sugar grain corn and other articles hereinbefore classed therewith sevenpence per ton per mile;

For all cotton and other wools drugs and other articles hereinbefore classed therewith eightpence per ton per mile;

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 or conveyed on a truck or platform belonging to the Company sixpence per mile and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Passengers' luggage.

41. Every passenger travelling upon the railway or the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first class passengers one hundred pounds in weight for second class passengers and sixty pounds in weight for third class passengers without any charge being made for the carriage thereof.

Company not to carry passengers on certain parts of their line.

42. The Company shall not convey passengers upon Railways 2 3 or 4 or so much of Railway No. 1 as lies to the northward of the point of junction of Railway No. 3 with that railway :

But nevertheless the Company shall not be entitled to open the said railways or any of them on which passengers are not to be conveyed until after they shall have been inspected and certified to be fit for opening by the Board of Trade and the Board of Trade shall have the power from time to time to determine at what speed the trains shall be run and at what places they shall be stopped on any part of the line where the gradient may exceed 1 in 40 and the Company shall obey such decisions as to speed and stopping places And the Company shall supply all their rolling stock with automatic continuous brakes and provide such safety appliances as may be required by the Board of Trade before the opening of the said railway.

Terminal station.

43. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

44. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway or the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway or the railways.

Company may take increased charges by agreement.

45. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railway or the railways of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the

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conveyance of animals or goods (other than small parcels) by passenger trains.

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

46. 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 railway or 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 railway or 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 railway or the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and details of the terminal expenses in respect of which it is made shall be specified.

Penalty.

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 the Regulation of Railways Act 1873 section 14.

Charges on shipment and weighing of goods.

47. The Company may in addition to any other sums which they are by this Act authorised to demand charge—

For the shipment by the Company of goods by means of drops tips or staiths shipping machines or appliances or other machinery works or conveniences any sum not exceeding four pence per ton;

For weighing by the Company of goods including the use of the weighing machines any sum not exceeding one halfpenny per ton.

Power to acquire hold and work dock.

48. The Company may acquire hold maintain work and use the dock and the works and conveniences at Pentewan now held occupied worked and used in connection therewith.

Power for Company to charge for services in shipping and unshipping &c. goods at dock.

49. The Company from time to time may (subject as hereinafter mentioned) make such reasonable charges as they think fit for services rendered by them in respect of shipping unshipping landing relanding housing unhousing handling weighing coopering packing cording tying marking numbering labelling lettering sorting lotting tearing filling sewing bagging sampling piling unpiling watching loading unloading protecting delivering and repairing goods and for preparing and furnishing certificates of weights or contents and supplying water and for use of sidings and for other works and for any other accommodation or service of whatever kind rendered by them with respect to vessels and with respect to goods shipped or unshipped or warehoused or deposited at their dock quays or works and the Company may when requested render any such services if they think proper.

Power to appoint meters and weighers.

50. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which dockmaster may exercise authority.

51. The limits within which the powers of the dockmaster shall be exercised shall be the dock basins wharves quays and other works of the Company connected therewith and the channel forming the entrance to the dock and all parts of the foreshore bounded as follows (that is to say) On the north in part by the coast line from the entrance gates of the existing dock to Gammas Point and in part by an imaginary line extending from Gammas Point in an easterly direction for a distance of one hundred and forty yards and on the east by an imaginary line commencing at the termination of the above described line and extending in a south-westerly direction for a distance of two hundred and fifty yards and on the south by an imaginary line commencing at the termination of the last described line and extending in a north-westerly direction to the bridge which carries the public road leading from St. Austell to Pentewan over the St. Austell river and such limits are hereinafter referred to as the limits of this Act.

Byelaws as to ballast.

52. The Company from time to time may make such byelaws as they think fit for regulating the removal and disposal within the dock of all ballast brought by vessels entering the dock and for regulating the supply of ballast to vessels in the dock so as to prevent ballast being thrown or allowed to fall into the dock or to obstruct the navigation within the limits of this Act and the word "ballast" in this Act includes all substances used as ballast.

Ballast to be brought to side of ves-

53. All ballast supplied to any vessel in the dock unless the vessel lies at a wharf or quay shall be brought in a proper and

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sels and thrown in immediately.

sufficient ballast lighter to the side of the vessel and thence immediately thrown into the vessel by the crew or other persons and every person offending against this enactment shall for every such offence forfeit not exceeding five pounds and the expression "ballast lighter" in this Act includes all vessels used for receiving or conveying ballast.

Penalty for improperly discharging or taking up ballast.

54. If any master of any ballast lighter employed to receive or take ballast for any vessel or to remove or discharge any ballast or to take up or dredge for ballast in the dock discharge or deposit the ballast or take up any ballast in or from any other part of the dock than the part thereof which the Company from time to time lawfully direct every master so offending shall for every such offence forfeit not exceeding five pounds.

Penalty for casting ballast without a portsail.

55. If any person cast or unload into or out of any vessel in the dock or if any person having the command of any vessel in the dock knowingly permit to be cast or unloaded into or out of the vessel any ballast and the respective person have not a wooden stage or portsail sufficiently large and properly fastened (during the whole time of the casting or unloading from the vessel) into or out of which the ballast is to be cast or unloaded to the upper edge or highest part of the wharf or quay or to the other vessels into from or upon which the ballast is to be cast or unloaded and so as to prevent any ballast from falling into the dock every person so offending shall for every such offence forfeit not exceeding forty shillings over and above the cost of removing the ballast from the dock.

Power to lease warehouses.

56. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Company may from time to time lease or grant the use or occupation of any warehouses buildings wharves yards landing stages coal tips staiths cranes machines or other conveniences provided by them for the purposes of this Act or of any other Acts relating to the Company for such period or periods not exceeding three years at such rents and on such terms and conditions as shall be agreed between the Company and the corporations companies or persons taking the same.

Occupiers of wharves not to allow ballast to remain near edge of wharf.

57. If any owner tenant or occupier of any wharf or quay or land adjoining to the dock permit any ballast placed thereon after it is placed thereon and the apparatus used in placing it is removed to be on and within three yards of the edge of the wharf or quay or land next to the dock or permit any ballast to be placed on or so near to any watercourse upon or adjoining to the wharf or quay or

land as that the ballast or any part thereof is or may be washed into the dock to the prejudice thereof every person so offending shall for every such offence forfeit not exceeding forty shillings.

Company may remove ballast.

58. If any owner tenant or occupier of any wharf quay beach or other land adjoining to the dock whereon any ballast is placed contrary to the provisions of this Act fail to remove it from the wharf quay or land within twenty-four hours after notice in writing from the Company to remove it the Company may remove all or any part of it to such places as they think fit and the charges of removing it shall and in addition to the penalty by this Act imposed on the respective person be paid by him and be recoverable as a penalty.

Ballast not to be cast into the dock or the sea within specified limits.

59. If any officer of the Company or other person under any pretence save in the execution of works properly authorised and then only so far as is proper for the execution thereof or the owner of any land adjoining to the dock within the limits of this Act cast or unload any ballast into the dock or into the sea outside the dock within the limits of this Act in any part where the depth of the sea is less than five fathoms at low water every person so offending shall for every such offence forfeit not exceeding five pounds.

Company to dispose of ballast.

60. The Company may use or sell or dispose of in such manner as they think proper all ballast removed by them from the dock under this Act.

Rates payable on vessels using the dock.

61. The Company from time to time may take and receive for or in respect of every vessel using or entering the dock or lying therein or departing therefrom any sum not exceeding the rates specified in the Schedule A to this Act annexed and every such rate or sum shall be payable by the owner master or consignee of the vessel.

Dock rates payable on goods and animals.

62. The Company may demand for all goods and animals mentioned in the Schedule B to this Act which shall be shipped or unshipped received or delivered or warehoused within the dock any sums not exceeding the several rates in the said schedule specified and every such rate or sum shall be payable by the owner or consignee of the goods and animals.

Rates to be demanded for the use of cranes and weighing machines.

63. The Company may demand for the use of their warehouses staiths cranes weighing and measuring machines of and from the owner consignee or person having the charge of any goods articles or things deposited in such warehouse or loaded or unloaded weighed or measured by means of such staiths cranes weighing and measuring machines such reasonable rates as the Company shall

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from time to time appoint Provided always that if any question shall arise as to the reasonableness of any such rates the same shall be from time to time referred to and determined by the Board of Trade.

Power for Company to recover rents and charges for goods by sale &c.

64. If default be made in payment to the Company of any rent or charge with respect to any goods at or in the dock quay yard warehouses or other works of the Company the Company (first paying the Customs duty and Inland Revenue duties (if any) due and payable thereon) may detain and sell the goods or any part thereof and after detaining the amount so paid may retain for themselves the rent or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rents charges and expenses due and payable to them or the balance thereof in any court of competent jurisdiction.

Power for Company to make bye-laws.

65. No byelaws which may be made by the Company under the provisions with respect to the byelaws to be made by the undertakers of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act shall have any force or effect until they have been confirmed by the Board of Trade.

Further general powers of control and management.

66. With regard to the management use and regulation of the dock and works of the Company and the regulation and control of vessels resorting thereto the Company may have and exercise the following powers :—

(1.) Subject to the right of the owner or master of any vessel to employ his crew in the performance of any of the services hereinafter mentioned the Company may if and when they think fit employ any tugs boatmen riggers hobblers and other proper persons for the purpose of effectually and speedily working any vessel within the limits of the dockmaster's authority or within or into or out of the dock or for removing any such vessel from time to time from any places in the dock in such manner as they may consider will best effect the purpose aforesaid and the master or owner of any such vessel shall on demand pay to the Company such reasonable sum in respect of any such services as the Company may demand.

(2.) For the better navigation of vessels in the dock and within the limits of the dockmaster's authority and for the use and

accommodation of vessels frequenting the dock the Company may from time to time license such number of boatmen riggers hobblers and other proper persons for such periods yearly or otherwise and on such terms and conditions as they may think fit and may charge such sum for every such license at a rate not exceeding five shillings per annum as they may think fit Provided always that the Company may at any time revoke any such license by reason of the misconduct or inefficiency of the person holding the same Provided also that nothing in this Act shall entitle such boatmen riggers hobblers and other persons to act as pilots or to supersede or take the place of any licensed pilot Provided also that nothing in this Act shall interfere with any existing rights of pilots or pilotage.

(3.) Whenever any delay which in the opinion of the dockmaster is unnecessary or inconvenient shall take place in the working or removing any vessel within the limits of the dockmaster's authority or in the discharging or loading and trimming or in any service necessary to be performed in connection with any vessel or cargo of such vessel either from the inadequacy or improper conduct of the persons employed or from the negligence or default of the master or person in charge of such vessel the Company may employ a sufficient number of suitable persons to work or remove or to discharge or load or perform any service in connection with any vessel or the cargo of such vessel or to assist in working or removing discharging or loading or trimming the same and the master or owner of such vessel shall on demand pay to the Company such reasonable sum for any or every of such services as the Company may demand and the master or person in charge of such vessel who shall not properly clear the deck of his vessel by stowing away all such articles as may impede the delivery or loading of the cargo thereof upon being required so to do by the dockmaster shall for every such offence be liable to a penalty not exceeding five pounds.

(4.) The Company may by agreement with the owner consignor or consignee of any clay coal coke culm steel iron iron ore or other ore timber goods wares and merchandise to be shipped into or unshipped from any vessel in the dock or with the owner or master of any vessel disembark discharge and land weigh ship put on board and trim such clay coal coke culm steel iron iron ore or other ore timber goods wares or merchandise and for the use of any shipping loading trimming or discharging appliances works or conveniences such reasonable rates as may be agreed upon between the Company and such

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owner consignor consignee or master respectively as though the same were tonnage rates payable under this Act.

As to steam-tugs.

67. The Company may from time to time fix such rates or charges as may appear to them reasonable for or in respect of the use of any steam-tugs vessels lighters and boats provided by them and such rates or charges shall be paid by the owner agent master consignee or other person having charge of any vessel obtaining or demanding the assistance or use of any such steam-tugs lighters vessels or boats and such rates and charges shall be due and payable whether such steam-tugs lighters vessels or boats shall be actually employed or not provided the assistance or use thereof shall have been required and shall in consequence of such requisition have been tendered and the Company may require any owner agent master or consignee or other person having charge of any vessel lighter or river craft to employ hire or use any such steam-tug lighter vessel or boat.

Confirming agreements of 10th November 1886 and 1st January 1887.

68. The agreements dated the tenth day of November one thousand eight hundred and eighty-six and first day of January one thousand eight hundred and eighty-seven respectively set out in the Schedules C and D to this Act are by this Act confirmed and made binding upon the Company and the parties thereto of the first part respectively and full effect may and shall be given thereto Provided always that the agreement dated the tenth day of November one thousand eight hundred and eighty-six shall be submitted to the Commissioners of Railways for revision at the expiration of seven years after the same shall have come into operation.

Interest not to be paid on calls paid up.

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

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

70. 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.

Provision as to general railway Acts.

71. Nothing in this Act contained shall exempt the Company or 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.

Costs of Act.

72. 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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SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Rates on Vessels.	Rates.		
	£	*s.*	*d.*
For every vessel entering the dock with cargo and for every vessel leaving the dock with cargo per register ton - - -	0	0	2
For every vessel entering the dock light or in ballast and for every vessel leaving the dock light or in ballast per register ton - - - - - - - - -	0	0	2
And if any such vessel remain within the dock for a longer period than fourteen days then for the period during which the vessel remains beyond that period the further rates following (that is to say):—			
For the first week or any part thereof per register ton -	0	0	0½
For the second week or any part thereof per register ton -	0	0	1
For every week or part of a week beyond the second week per register ton - - - - - -	0	0	2

SCHEDULE B.

Rates on Goods and Animals.	Rates.		
	£	*s.*	*d.*
For every ton weight of goods or merchandise of every description received or delivered from or put on board of any vessel -	0	0	6
And for every packet or parcel of goods less than a ton the same sum is payable as in respect of a ton.			
Horses per head - - - - - -	0	1	6
Oxen cows and bulls per head - - - - - -	0	1	0
Ponies mules and asses per head - - - - - -	0	0	6
Calves per head - - - - - -	0	0	3
Lambs sheep goats and pigs per head - - -	0	0	1

SCHEDULE C.

An Agreement made this tenth day of November one thousand eight hundred and eighty-six between the parties whose names and descriptions and addresses are respectively subscribed in the schedule hereunder written for themselves their successors and assigns (hereinafter called "the guarantors") of the one part and John Coode of Polcarne St. Austell in the county of Cornwall Esquire on behalf of a company to be hereafter incorporated for the purpose of constructing a railway in St. Austell in connection with the Pentewan Harbour to be called the St. Austell Valleys Railway Company (hereinafter called "the said Company") of the other part.

Whereby it is agreed as follows:—

1. The guarantors being merchants owners lessees or occupiers of works and premises adjacent to the line of route of the said proposed or existing railway hereby agree with the said John Coode on behalf of the said Company that they and each and every of them will send to or from Pentewan Harbour over the line of railway when opened for traffic the coal clay or other produce all necessaries for their works to the amount at the least set opposite to their respective names in the said schedule.

2. The said John Coode on behalf of the said railway company agrees that the said railway company shall and will carry (in covered trucks if so required) and put on board the ships in the harbour all such clay and other produce and will load into trucks and convey any goods coming from the said harbour as and when reasonably required so to do by the said guarantors at such times as shall be reasonably required by the guarantors but subject to the time tables to be published by the said Company.

3. The said Company will carry such coal clay and other produce for the guarantors at the rates respectively specified in the said schedule and such rates shall include all terminal charges and also the quay dues at Pentewan Harbour and the charges for weighing the articles so conveyed and the Company shall provide at Pentewan Harbour or elsewhere proper and sufficient means of weighing the articles so conveyed and shall and will maintain and keep the said harbour in at least as good and navigable a condition as it is at the time of the execution of this agreement.

4. This agreement shall be in force for a term of seven years from the date of the opening of the said line for traffic and at the expiration of the said term from year to year on the said terms hereinbefore contained until determined by six months' notice from the Company or the guarantors or any one or more of them as regards himself or themselves only.

As witness the hands of the said parties hereto the day and year first before written.

A.D. 1887.

THE SCHEDULE HEREINBEFORE REFERRED TO.

Name.	Description.	Address.	Nature and Quantity of Article to be conveyed.	Rate.
Thomas Hitchins	Merchant -	St. Austell	Corn &c. 3000 tons	4½*d.* per ton per mile
Thomas Stocker -	Clay merchant -	St. Austell	Clay &c. 8300 tons	4½*d.* per ton per mile
Martin Brothers -	Clay merchants -	St. Austell	Clay &c. 5800 tons	4½*d.* per ton per mile
John Lovering & Company	Clay merchants -	St. Austell	Clay &c. 15000 tons	4½*d.* per ton per mile
John Lovering & Company	Clay merchants -	St. Austell	Clay &c. 2000 tons	4½*d.* per ton per mile
Philip Reed -	Merchant -	St. Austell	Coal 1200 tons -	4½*d.* per ton per mile
W. C. Truscott -	Merchant -	St. Austell	Coal 500 tons -	4½*d.* per ton per mile
Walter Hicks -	Merchant -	St. Austell	Limestone culm and coals 800 tons	4½*d.* per ton per mile
(If I so long continue the lime trade.)				
H. W. Higman -	Clay merchant -	St. Austell	Clay and coal 8000 tons	4½*d.* per ton per mile
(If leases in Greensplat are not expired.)				
E. Luke and Sons	Merchants -	St. Austell	Clay and coal 2500 tons	4½*d.* per ton per mile
(If leases are not expired.)				
J. L. Coles -	Merchant -	St. Austell	Corn &c. 500 tons -	4½*d.* per ton per mile
William Nicholls -	Clay merchant -	St. Austell	Clay and coal 500 tons	4½*d.* per ton per mile
(If I so long continue to work the works at Lower Lansalson.)				
Jacob Nicholls -	Clay merchant -	Carne St. Mewan	Clay and coals 1000 tons	4½*d.* per ton per mile
St. Austell Gas Company	- - -	St. Austell	Coal 500 tons -	4½*d.* per ton per mile
(The guarantee by the Company is only to continue in force as long as they continue to carry on business in their present premises.)				
John Coode -	Banker - -	Polcarne St. Austell	For the intended Company.	

SCHEDULE D.

An Agreement made the first day of January one thousand eight hundred and eighty-seven between Christopher Henry Thomas Hawkins of 10 Portland Place in the county of Middlesex Esquire (hereinafter called "the Vendor") of the one part and John Coode of Polcarne St. Austell banker for and on behalf of a company to be incorporated under the name of "The St. Austell Valleys Railway and Dock Company" of the other part.

Whereby it is agreed as follows:—

1. If the intended Company shall obtain the Royal Assent to the Bill which is to be introduced into Parliament in the next session they shall purchase and the Vendor shall sell at the price of twenty thousand pounds the Vendor's estate right and interest in the St. Austell and Pentewan Railway and the dock at Pentewan connected therewith and all premises now occupied and used in connexion with the said railway and dock and all rights and privileges connected therewith such estate right and interest consists of the fee simple of the dock and of portions of the railway and premises and of the Vendor's rights and interests in the harbour acquired by purchase from the Duchy of Cornwall or otherwise the remaining part of the said railway and premises (except a small portion held of Mr. Flannank on a yearly tenancy at five pounds per annum) being leasehold held on leases for long terms or renewable for ever at rents amounting in the aggregate to the yearly sum of seventeen pounds fifteen shillings The Company shall not require the production of or inquire into or make any requisition in respect of the lessor's title to any of the said leasehold premises and upon any question of identity or ownership of any portion of any of the said freehold or leasehold premises the Company shall be satisfied with a statutory declaration that the property in question had been in the possession of the Vendor or his predecessors or his or their tenants for twelve years.

2. The said price of twenty thousand pounds shall be paid half in cash and half in ordinary shares of the Company taken at their par value.

3. The Company shall also purchase at a valuation and shall pay in cash for the engine and rolling stock now in use on the railway.

4. The valuation shall in case of difference be made by two valuers one to be appointed by the Vendor and the other by the Company who shall agree upon some third person or umpire and in case they shall fail to agree as to the appointment of such umpire he shall be appointed by the president of the Institution of Civil Engineers for the time being and the decision of such umpire shall be conclusive and absolutely binding upon both parties.

A.D. 1887.

5. The Vendor shall sell to the Company any lands required for the construction of their proposed new railways and shall accept payment therefor in ordinary shares taken at their par value.

As witness the hands of the said parties.

C. H. T. HAWKINS. L.S.

JOHN COODE. L.S.

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