

**CHAPTER cxciv.**

An Act to empower the Portmadoc Beddgelert and South Snowdon Railway Company to construct new railways and to authorise agreements between that Company and the North Wales Narrow Gauge Railways Company and for other purposes. A.D. 1904.  
[15th August 1904.]

**W**HEREAS by the Portmadoc Beddgelert and South Snowdon Railway Act 1901 (in this Act called "the Act of 1901") the Portmadoc Beddgelert and South Snowdon Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain railways in the counties of Carnarvon and Merioneth :

And whereas it is expedient that the Company should be authorised to make and maintain the new railways and works in this Act described :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also a book of reference to the said plans 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 Carnarvon and are hereinafter referred to respectively as the deposited plans sections and book of reference :

And whereas it is expedient that the period limited by the Act of 1901 for the compulsory purchase of lands for the purposes of the railways and works by that Act authorised should be extended as provided by this Act :

And whereas it is expedient that the Company and the North Wales Narrow Gauge Railways Company (in this Act called "the

A.D. 1904. narrow gauge company") should be empowered to make working and other agreements as provided by this Act:

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of the undertaking:

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 King'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 Portmadoc Beddgelert and South Snowdon Railway Act 1904 and the Act of 1901 and this Act may be cited together as the Portmadoc Beddgelert and South Snowdon Railway Acts 1901 and 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where the same are expressly varied by or are inconsistent with the provisions of this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845; and

Part I. (Construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

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—

The consolidation of the shares into stock ;  
 The general meetings of the Company and the exercise of  
 the right of voting by the shareholders ;  
 The making of dividends ;  
 The giving of notices ; and  
 The provision to be made for affording access to the  
 special Act by all parties interested :

And Parts I. II. and III. (relating respectively to the can-  
 cellation and surrender of shares to additional capital and  
 to debenture stock) of the Companies Clauses Act 1863  
 as amended by subsequent Acts.

**3.** In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the railways" means the railways by this Act authorised to be constructed.

Interpreta-  
tion.

**4.** The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of this Act extend and apply to the water and gas mains pipes and apparatus of any local authority and shall be construed as if "local authority" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated.

Protection of  
gas and water  
mains of  
local authori-  
ties.

**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 hereinafter described with all necessary or convenient junctions stations sidings alterations to existing sidings roads approaches embankments wharfs quays works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes The railways hereinbefore referred to and authorised by this Act will be situate in the county of Carnarvon and are—

Power to  
make rail-  
ways.

A railway (No. 1) 2 miles 3 furlongs and 9 chains or there-  
 abouts in length commencing in the parish of Llanwnda  
 by a junction with the existing railway of the narrow

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gauge company at a point seventy yards or thereabouts measured in a southerly direction from the south-west corner of the goods shed at Dinas Railway (Joint) Station and terminating in the parish of Llanbeblig in the borough of Carnarvon at a point on the western bank of the Afon Seiont seventy yards or thereabouts measured in a southerly direction from the north-west corner of the Carnarvon Corporation Gasworks and fifty-three yards or thereabouts measured in a westerly direction from the southern corner of the said gasworks :

A railway (No. 2) 3 furlongs and 5·5 chains in length (being a portion of the railway described on the deposited plans as Railway No. 2) wholly in the parish of Llanbeblig in the borough of Carnarvon commencing by a junction with Railway No. 1 at its termination and terminating at a point ten yards or thereabouts north-east of the quay wall on the north-eastern side of the River Seiont at the boundary between the properties numbered on the deposited plans 16 and 17 in the borough of Carnarvon.

Gauge of  
railways.

6. The railways shall be constructed on a gauge of one foot eleven and a half inches commonly called the two-foot gauge Provided that it shall be lawful for the Company at any time hereafter with the previous approval of the Board of Trade to increase the gauge of the railways or any part or parts thereof to any gauge not exceeding four feet eight and a half inches.

Works below  
high-water  
mark not to  
be com-  
menced with-  
out consent  
of Board of  
Trade.

7. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the

Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1904.

8. The Company may make the roadway over the bridge by which the road numbered on the deposited plans 11 in the parish of Llanbeblig will be carried over the railway of such width between the fences thereof as the Company think fit not being less than eighteen feet. Width of roadway over bridge.

9. For the protection of the Carnarvon Harbour Trustees (in this section called "the trustees") the following provisions shall have effect (that is to say):— For protection of Carnarvon Harbour Trustees.

(1) Notwithstanding anything shown on the deposited plans the Company shall not construct any portion of Railway No. 2 shown on the deposited plans to the north-westward of the boundary between the properties numbered on the said plans 16 and 17 in the borough of Carnarvon:

(2) The trustees shall afford to the Company all reasonable facilities for dealing with goods minerals and merchandise upon the quays and wharves of the trustees situate to the north-west of the termination of the said railway as above described coming from or destined for the railways of the Company.

10. The following provisions for the protection of the London and North Western Railway Company (in this section referred to as "the North Western Company") shall apply and have effect:— For protection of London and North Western Railway Company.

(1) The Company shall construct the portion of Railway No. 1 where the same is intended to pass under the Carnarvonshire Railway of the North Western Company in such line and at such levels within the limits of deviation shown on the deposited plans and sections and prescribed by this Act as shall be reasonably approved by E. B. Thornhill or other the principal engineer for the time being of the North Western Company (in this section referred to as "the said principal engineer") and so as to leave undisturbed at all times the lines of railway of the Carnarvonshire Railway and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railway of the North Western Company or with the traffic thereon:

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- (2) The Company shall where the said Railway No. 1 is intended to pass under the said railway of the North Western Company construct a wrought iron or steel girder bridge with wrought iron or steel flooring such bridge to be not less than twenty-six feet in width between the parapets measured on the square :
- (3) The Company shall construct the said portion of railway and all the works both temporary and permanent necessary and incident to the construction thereof affecting the property and works of the North Western Company in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and reasonably approved in writing by the said principal engineer and the Company shall not commence the construction of the said portion of railway or enter upon or interfere with any land works or property belonging to or used by the North Western Company until such plans sections and specifications have been so submitted and approved Provided always that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections and specifications or shall disapprove the same then the said portion of railway and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of an agreement to be appointed as hereinafter provided :
- (4) The said portion of railway and all works necessary or incident to the construction thereof or affecting the property or works of the North Western Company shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer :
- (5) The Company shall not except with the previous consent of the North Western Company under their common seal purchase or acquire any lands or property of the North Western Company but the Company may purchase and take and the North Western Company shall sell and grant accordingly an easement or right of using

so much of the lands and works of the latter company as may be necessary for the construction of the said Railway No. 1 under the said Carnarvonshire Railway in accordance with the provisions of this section: A.D. 1904.

- (6) During the construction of the said portion of railway under across adjoining and near to or affecting the Carnarvonshire Railway property and works of the North Western Company the Company shall bear and on demand pay to that company all expenses of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching the Carnarvonshire Railway and the works thereof 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 which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:
- (7) The Company shall at all times maintain the said portion of the railway and all the works connected therewith and incident thereto by which the said railway shall be carried under across and adjoining the Carnarvonshire Railway and works of the North Western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the North Western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the North Western Company by the Company:
- (8) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North Western Company all costs losses damages and expenses which may be occasioned to that company or to their Carnarvonshire Railway and works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railway or the works in connection therewith or of any act or omission

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of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the North Western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission :

- (9) If in the opinion of the North Western Company or in case of difference between them and the Company of an arbitrator to be appointed as herein-after provided it shall be necessary for the North Western Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of any works constructed under the powers of this Act or for any additional minerals beyond those which but for this Act would have been required to be so left unworked then the Company shall on demand pay to the North Western Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation or a fair proportion thereof in case the same minerals shall be required to be left unworked as well for the protection and safety of the said railway works or property of the North Western Company as of the said works to be constructed under the powers of this Act and the amount of such costs and expenses or proportion as the case may be the amount of the additional costs and expenses shall in case of difference be determined by arbitration as hereinafter provided :
- (10) The Company and the North Western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed :
- (11) Any dispute or difference which may arise under this section shall be determined by an engineer to be mutually agreed upon and appointed by the Company and the North Western Company or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either Company.

For protection of  
Hafod-y-  
Llan Estate.

11. For the protection of Sir Alfred Mellor Watkin Baronet and Mrs. Henrietta Sayer Worsley-Taylor or other the owners for the time being of the Hafod-y-Llan Estate (in this section called "the owners") the following provisions shall have effect unless



otherwise agreed between the owners and the Company (that is to say):— A.D. 1904.

(1) Notwithstanding anything contained in the Act of 1901 or this Act or shown on the deposited plans referred to in the Act of 1901 the Company shall not without the consent in writing of the owners take any lands of the owners except such as may be reasonably necessary for the purpose of constructing the railway authorised by the Act of 1901 through the said lands or for works in connection with the said railway through the said lands and the Company shall not without the like consent take more lands of the owners than are necessary for those purposes and for a station and all necessary works and conveniences connected therewith such station to be situate on the enclosure numbered on the deposited plans referred to in the Act of 1901 149 in the parish of Beddgelert Provided that no goods yard or goods sidings shall without the consent in writing of the owners be constructed on any lands of the owners which are situate to the northward of the point where Railway No. 2 authorised by the Act of 1901 crosses the main road at a distance of ten miles two furlongs or thereabouts from the commencement of that railway :

(2) The Company shall construct the said railway and works where they pass through the lands of the owners together with all such works as shall be reasonably necessary for the protection and accommodation of the said estate so as to do as little damage as possible thereto and in such manner as shall be agreed between the Company and the owners or failing agreement as shall be settled by arbitration as hereinafter provided :

(3) Any difference which may arise between the owners and the Company under this section shall unless otherwise agreed be determined by arbitration by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers under and subject to the provisions of the Arbitration Act 1889.

12. The railways shall for the purposes of tolls fares rates and charges and all other purposes whatsoever be part of the undertaking of the Company and the provisions of sections 22 to 27 of Railways to form part of Company's undertaking.

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Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Owners may be required to sell parts only of certain lands and buildings.

15. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Lands for extraordinary purposes.

16. 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 six acres but nothing in that Act or in this Act shall exempt the Company

from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

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17. 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 same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for  
completion  
of works.

18. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand four hundred and eighty-four pounds being five per centum upon the amount of the estimate in respect of the railways originally proposed to be authorised by the Bill for this Act has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas a sum of one thousand one hundred and eighteen pounds (which sum is referred to in this Act as "the deposit fund") part of the said sum of one thousand four hundred and eighty-four pounds represents five per centum on the amount of the estimate in respect of the railways by this Act authorised and the remainder amounting to three hundred and sixty-six pounds represents five per centum on the amount of the estimate in respect of certain railways which were struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the 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 of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers 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 railways so opened bears to

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

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Application  
of deposit.

19. 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 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 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 if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the depositors 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.

Release of  
portion of  
deposit fund.

20. On the application of the depositors in a summary manner at any time after the passing of this Act the High Court may order that the said sum of four hundred and sixty-six pounds representing five per centum on the amount of the estimate in respect of the

railways struck out of the Bill for this Act during its progress through Parliament and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

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**21.** The powers granted by the Act of 1901 for the compulsory purchase of lands for the purposes of that Act are hereby extended and may be exercised during a period of three years from the seventeenth day of August one thousand nine hundred and four and after the expiration of that period those powers shall cease.

Extension of time for compulsory purchase of lands under Act of 1901.

**22.** Subject to the provisions of sections 34 and 40 of the Act of 1901 and of any regulations to be prescribed by the Board of Trade under that Act the Company may work the traffic on the railways by electrical power (in addition to or in substitution for any other power) and may lay down and erect along the railways and maintain and use mains lines and apparatus for transmitting electrical energy.

Railways may be worked by electrical power.

**23.** In the event of any railways of the Company being worked by electricity the following provisions shall have effect:—

For protection of Postmaster-General.

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the railways aforesaid by electricity is done

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within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section

if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections 2 .10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

**24.** The Company on the one hand and the narrow gauge company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say) :—

Power to enter into working agreements with narrow gauge company.

The maintenance and management of the railways for the time being of the said companies respectively or any part

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thereof respectively and of the works connected therewith respectively or any of them ;

The use or working of the said railways or any part thereof and the conveyance of traffic thereon ;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways for the time being of the contracting parties or either of them ;

The supply and maintenance by the working company under and during the continuance of any such agreement as aforesaid for the working of the railways of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants ;

The fixing subject to the authorised maximum fares rates and charges and the collecting payment appropriation apportionment and distribution of the tolls fares rates charges receipts and revenues levied taken or arising in respect of traffic and from any other sources ;

The employment of officers and servants ; and

The appointment of joint committees for carrying into effect any such agreement.

Short distance charges in case of working agreements.

**25.** During the continuance of any agreement to be entered into under the provisions of this Act for the working of the railways of the narrow gauge company or the Company by the other of them the railways of the two companies shall for the purpose of short distance fares rates and charges be considered as one railway and in estimating the amount of fares rates and charges in respect of passengers conveyed partly on the railway of the narrow gauge company and partly on the railway of the Company fares rates and charges may be charged as for four miles and for every mile or fraction of a mile beyond four miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the narrow gauge company and partly on the railway of the Company the rates and charges shall be those specified in the Railway Rates and Charges No. 6 (Festiniog Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 6 (Festiniog Railway &c.) Order Confirmation Act 1892.

Power to raise additional capital.

**26.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole twenty-four thousand pounds by the issue



at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. A.D. 1904.

**27.** The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. New shares or stock to be subject to same incidents as other shares or stock.

**28.** The capital in new shares or stock so created shall form part of the capital of the Company. New shares or stock to form part of capital of Company.

**29.** The provisions of sections 49 to 56 of the Act of 1901 with reference to the division of shares in the capital by that Act authorised into half-shares shall extend and apply to the shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto. Extending to additional capital provisions of Act of 1901 as to dividing shares.

**30.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

**31.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares or stock.

**32.** Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock. New and existing shares or stock may be of same class.

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Power to  
borrow.

**33.**—(1) Section 57 (Power to borrow) of the Act of 1901 is hereby repealed.

(2) The Company may borrow on mortgage of the undertaking any sum or sums not exceeding in the whole one-third part of the amount of the capital by the Act of 1901 and this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until shares for so much of the capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appoint-  
ment of a  
receiver.

**34.** Section 62 of the Act of 1901 with reference to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under such provision and the mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver or a receiver and manager In order to authorise the appointment of a receiver or a receiver and manager in respect of arrears of principal the amount owing to the mortgagees by whom the application for

a receiver is made shall not be less than seven thousand pounds in the whole. A.D. 1904.

**35.** The Company may create and issue debenture stock subject to the provisions of section 63 of the Act of 1901 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture  
stock.

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

**37.** The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are by the Act of 1901 authorised to raise and which may not be required for the purposes of that Act. Power to  
apply funds.

**38.** All moneys raised under this Act whether by shares debentures debenture stock mortgages or charges shall be applied only to the purposes of the Act of 1901 and this Act to which capital is properly applicable. Application  
of capital.

**39.** Notwithstanding anything in this Act or any Act or Acts incorporated herewith the Company may out of any money by this Act authorised to be raised pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :—

- (A) No such interest shall begin to accrue until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued

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and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (c) The aggregate amount to be so paid for interest shall not exceed two thousand four hundred pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares which may be issued by or on behalf of the Company prior to the expiration of the period for which the directors of the Company may have determined that such interest shall be paid and in every certificate of such shares :
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

As to qualification of directors.

**40.** Notwithstanding anything in any of the provisions of the Companies Clauses Consolidation Act 1845 incorporated with the Act of 1901 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company Provided that in the case of his being or becoming interested in any contract with the Company the nature of his interest in the contract shall be disclosed by him

at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

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41. The continuing directors may act notwithstanding any vacancy in their body but so that if at any time the number of the directors of the Company holding office shall be less than the minimum number prescribed by section 66 of the Act of 1901 the directors shall not except for the purpose of filling vacancies and allotting shares to any proposed director or directors act so long as the number is below such minimum.

Continuing directors.

42. From and after the passing of this Act except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected a director of the Company in place either of a director retiring by rotation or of a director dying refusing to act or ceasing to be qualified or being disqualified to act unless notice in writing that such proprietor intends to offer himself or will be proposed for the office of director shall have been given to the secretary of the Company or left at the office of the Company twenty-eight days at least before the day of election or unless the proprietor proposed for the office of director is nominated by not less than ten proprietors duly qualified in that behalf before or at the meeting at which the election is to take place.

Notice of candidature for office of director.

43.—(A) The directors of the Company may from time to time appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to the period for which he or they is or are to hold such office and may from time to time remove or dismiss him or them from office and appoint another or others in his or their place or places.

As to appointment of managing director.

(B) A managing director shall not while he continues to hold that office be subject to retirement by rotation and he shall not be taken into account in determining the rotation of retirement of directors but if he cease to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

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(c) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(d) The directors may from time to time entrust to and confer upon any managing director such of the powers exercisable by the directors as they may think fit and may confer such powers for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions as they think expedient and they may confer such powers either collaterally with or to the exclusion of and in substitution for all or any of the powers of the directors in that behalf and may from time to time revoke withdraw alter or vary all or any of such powers.

As to quorum  
of general  
meetings.

44. From and after the passing of this Act the prescribed quorum for the purposes of section 72 of the Companies Clauses Consolidation Act 1845 incorporated with the Act of 1901 shall be one fourth (but not exceeding twenty) of the whole number for the time being of the shareholders of the Company.

As to ap-  
pointment  
of proxies.

45. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 incorporated with the Act of 1901 it shall be lawful for the attorney of any shareholder duly authorised in writing to appoint a proxy to vote for and on behalf of any such shareholder and for such purpose to execute on behalf of such shareholder the necessary form of proxy. Provided that the instrument appointing such attorney shall be transmitted to the secretary of the Company at the same time as the instrument appointing such proxy.

Voting by  
corporations  
at meeting.

46. Where a company are holders of shares or stock of the Company a director of the company (or the secretary thereof in the absence of all the directors) if thereunto authorised may exercise on behalf of the company such rights of voting at any general meeting in respect of the shares or stock held by the company as an individual shareholder or stockholder would be entitled to exercise in respect of a like amount of shares or stock and such director or secretary shall be deemed to be a member present in person for the purposes of a quorum.

Joint  
holders.

47. Where several persons are jointly entitled to and registered as holders of any share any one of such persons may vote

at any meeting either personally or by proxy in respect of such share as if he were solely entitled thereto and if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of such share shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share stands shall for the purpose of this section be deemed joint holders thereof.

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48. The seal of the Company shall not be affixed to any document except in the presence of two directors of the Company or of one director and the secretary.

Common  
seal.

49. Nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving rights  
of Crown.

50. 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.

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

51. Nothing in this Act contained shall exempt the Company or the narrow gauge company or their respective railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of

Provision as  
to general  
Railway  
Acts.

A.D. 1904. the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the said Companies respectively.

Expenses of Act.

52. 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.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES IN RESPECT OF WHICH PARTS ONLY MAY BE TAKEN.

No. of Railway.	Borough or Parish.	Nos. on deposited Plans.
No. 1 - - -	Llanwnda - - -	35
No. 1 - - -	Waenfawr - - -	18
No. 1 - - -	Carnarvon - - -	4 13 19 26
No. 2 - - -	Carnarvon - - -	4 5 6 7 8 9 10 11 12

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