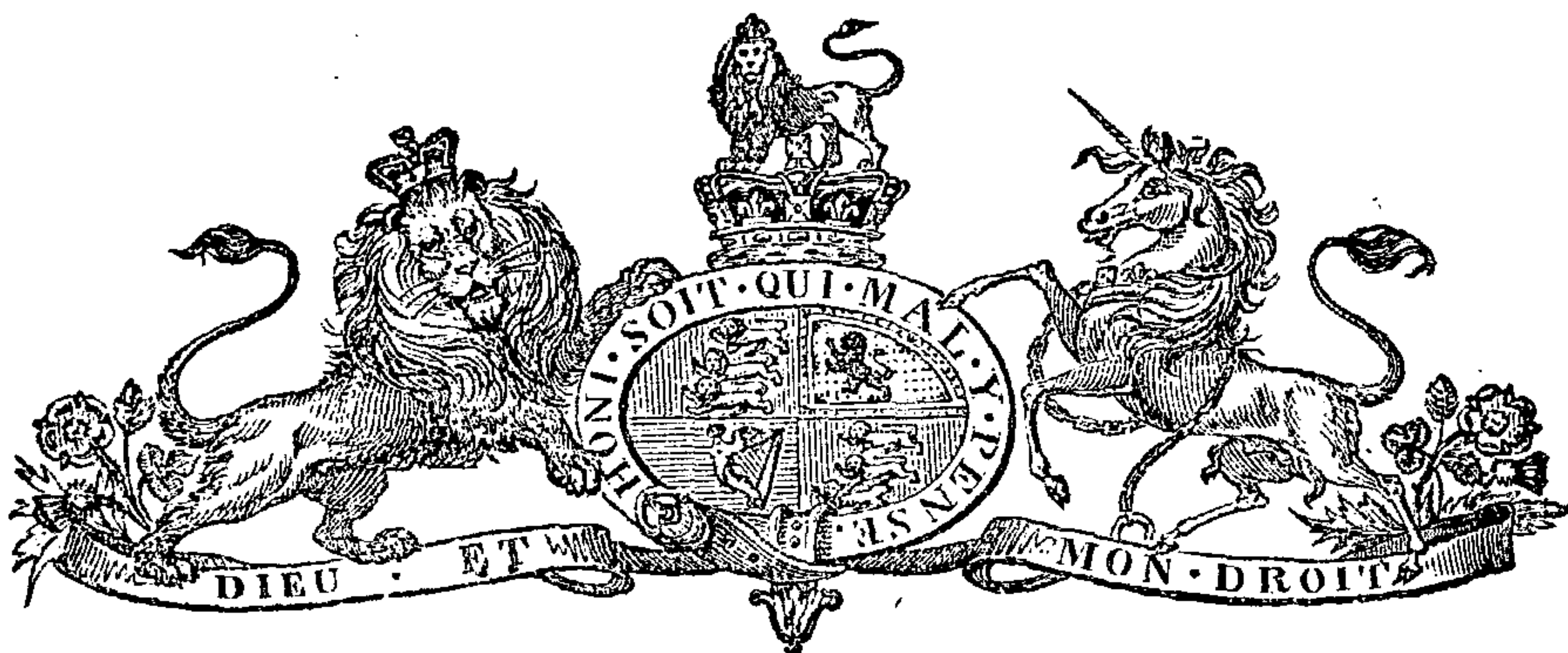




ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxlii.

An Act to enable the *Mid Wales* Railway Company to make a Railway to join the *Central Wales* Extension Railway in the Parish of *Llanelwedd* in the County of *Radnor*; and to confer upon the said Company further Powers with respect to Roads crossed by their Railway, and with respect to the Purchase of Lands; and to enable the said Company to let their Railway on Lease; and to raise further Sums; and for other Purposes. [30th June 1864.]

WHEREAS the following Acts relating to the *Mid Wales* Railway Company, herein called "the Company," have been passed, namely, "The *Mid Wales* Railway Act, 1859," "The *Mid Wales* Railway (Extensions) Act, 1860," "The *Mid Wales* Railway Act, 1861," "The *Mid Wales* Railway (Deviations, &c.) Act, 1862," "The *Llanidloes and Newtown (Mid Wales and Manchester and Milford)* Railway Act, 1862," "The *Mid* [Local.] 20 T *Wales*

Recital of Acts relating to the *Mid Wales* Railway Company.

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Wales Railway (Capital) Act, 1863," and "The *Mid Wales* Railway (*Llangurig* Branch, &c.) Act, 1863:" And whereas the said Acts are in this Act called the Company's Acts: And whereas it is expedient that the Company should be authorized to make and maintain the Railway herein-after described, for the Purpose of affording more convenient Means for the Exchange of Traffic between the *Mid Wales* Railway and the *Central Wales Extension* Railway in the Parish of *Llanelwedd* in the County of *Radnor*: And whereas it is expedient that the Company should be authorized to divert a certain public Road, numbered 59, in the Parish of *Nantmel* in the County of *Radnor*, on the Plans referred to in the *Mid Wales* Railway Act, 1862, and to maintain the *Mid Wales* Railway across the said Road when diverted upon the Level thereof: And whereas by the *Mid Wales* Railway (*Llangurig* Branch, &c.) Act, 1862, the Company were authorized, amongst other things, to make a new Road in the said Parish of *Llanelwedd* from the Turnpike Road leading from *Builth* to *Rhayader* to the Turnpike Road leading from *Builth* to *Llanelwedd* and other Places, and in consequence of the Construction of such new Road a small Portion near *Builth* of the said Turnpike Road leading from *Builth* to *Rhayader* will be rendered useless, and it is expedient that Provision should be made for stopping up such Portion of the said Turnpike Road: And whereas the Powers of the Company under the *Mid Wales* Railway (Deviations, &c.) Act, 1862, for the compulsory Purchase of Lands, have expired, and it is expedient that the Powers of the Company for the compulsory Purchase of the Lands herein-after described in the Parish of *Talgarth* in the County of *Brecon* should be revived and extended: And whereas it is expedient that the Company should be enabled to sell Lands for the Erection of Hotels: And whereas it is expedient that the Company should be authorized to let their Undertaking on Lease to *John Watson* and *James Overend*, or the Survivor of them: And whereas by the Company's Acts the following Sums have been authorized to be raised; (that is to say,)

By Ordinary Shares	-	-	£485,000	By Borrowing,
By Preference Shares	-	-	200,000	£227,000
Total -			£685,000	

And whereas it is expedient that the Company should be authorized to raise further Sums for the Purposes of this Act, and also for the general Purposes of their Undertaking: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice

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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) :

1. This Act may be cited for any Purpose as “The *Mid Wales* Short Title. Railway Act, 1864.”

2. “The Lands Clauses Consolidation Act, 1845,” “The Lands Clauses Consolidation Acts Amendment Act, 1860,” “The Railways Clauses Consolidation Act, 1845,” Parts I., II., and III. 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,) 8 & 9 Vict. c. 16. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer and Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of this Company against the Shareholders;

With respect to the Consolidation of Shares into Stock;

With respect to the making of Dividends;

With respect to the borrowing of Money on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

And with respect to the Provisions to be made for affording Access to the Special Act,

and Parts I. and II. of “The Companies Clauses Act, 1863,” shall be incorporated with and form Part of this Act.

3. In this Act the following Expressions have the several Meanings hereby attached to them respectively; (that is to say,) the Expression “the Company” means the *Mid Wales* Railway Company; the Expression “the *Central* Company” means the *Central Wales* Extension Railway Company; the Expression “the Act of 1862” means the *Mid Wales* Railway (Deviations, &c.) Act, 1862; the Expression “the Plans of 1862” means the Plans referred to in the Third Section of the *Mid Wales* Railway (Deviations, &c.) Act, 1862. Interpretation of Expressions in this Act.

4. The Expressions “Superior Court” or “Court and competent Jurisdiction,” or any other like Expression in this Act or in the said incorporated Acts, shall be read and have Effect as if the Interpretation of Expressions in the incorporated Debt

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rated Acts
or in this
Act.

Debt or Demand in respect of which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to
make Rail-
way.

5. It shall be lawful for the Company to make and maintain a Railway, with all proper Works and Conveniences connected therewith, commencing in the Parish of *Llanelwedd* in the County of *Radnor*, by a Junction with the *Mid Wales* Railway at or near a Point thereon Seventy-one Chains to the South of the Point marked Twenty-five Miles on the Plans of 1862, and terminating by a Junction with the *Central Wales Extension* Railway in or near an Enclosure numbered 18 in the said Parish of *Llanelwedd* on the Plans of 1862.

Power to di-
vert public
Road in the
Parish of
Nantmel,
and to cross
the same
when di-
verted on the
Level.

6. It shall be lawful for the Company to divert the public Road, numbered 59, in the Parish of *Nantmel* in the County of *Radnor*, on the Plans of 1862; and the Company may maintain the *Mid Wales* Railway with a single Line of Rails so long as the Railway shall consist of a single Line, and with not more than Two Lines of Railway when the Railway shall consist of more than a single Line across the said Road when diverted upon the Level thereof.

Railways
and Road
Diversion to
be made ac-
cording to
deposited
Plans.

7. Whereas Plans and Sections of the Railway and of the said Diversion of Road showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof respectively, have been deposited for public Inspection with the Clerk of the Peace for the County of *Radnor*: Therefore, subject to the Provisions and Powers of Deviation in this Act, and in "The Railways Clauses Consolidation Act, 1845," contained, the Railway and the said Diversion of Road shall respectively be made and maintained in the Line or Course and upon the Lands delineated upon the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and, subject to the Provisions in this and the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the said Lands as may be necessary for the Purposes of the Railway and the Works connected therewith, and of the said Diversion of Road, or for any Purpose by this Act authorized.

Powers for
compulsory
Purchases
limited.

8. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of the Railway and Road Diversion by this Act authorized shall not be exercised after the Expiration of Two Years after the passing of this Act.

9. The

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9. The Railway by this Act authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway shall cease.

Period for
Completion
of Railway.

10. The Railway by this Act authorized to be made shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Undertaking of the Company, in the same Manner and to the same Extent as if the same had been authorized to be made by the first-recited Act.

Railway to
form Part of
the Under-
taking of the
Company.

11. After the Expiration of the Period by this Act limited for the Completion of the Railway, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recovered as a Debt due to the Crown, for every Day after the Period so limited until such Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such Railway by unforeseen Accident or Circumstance beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Penalty if
Railway not
completed
within Time
limited.

12. When and so soon as the Roads No. 1 and No. 2 authorized by the "*Mid Wales Railway (Llangurig Branch, &c.) Act, 1863*," shall have been completed, the Company may stop up and discontinue the Use of so much of the said Turnpike Road leading from *Builth* to *Rhayader* as lies between the Point where the *Mid Wales* Railway now crosses that Road in the Parish of *Llanelwedd*, near the Town of *Builth*, and the Point where the said Turnpike Road leading from *Builth* to *Rhayader* now joins the Turnpike Road leading from *Builth* to the Village of *Llanelwedd*, and other Places at or near the "*Llanelwedd Arms Inn*," in the said Parish of *Llanelwedd*.

On Comple-
tion of Roads
No. 1 and
No. 2 au-
thorized by
26 & 27 Vict.
c.lxxx., Part
of Turnpike
Road leading
from Builth
to Rhayader
may be
stopped up.

13. The Powers of the Company for the compulsory Purchase and taking of the Lands numbered 68, in the Parish of *Talgarth* in the County of *Brecon*, on the Plans of 1862, are hereby revived and extended, and, subject to the Powers in the incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use the said Lands, or so much thereof as they may require for the Purposes of their Undertaking: Provided always, that the Powers hereby granted to the Company for the compulsory Purchase of those

Powers for
Purchase
of certain
Lands in the
Parish of
Talgarth.

[*Local.*]

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Lands

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Lands shall not be exercised after the Expiration of One Year from the passing of this Act.

Power for
the Company
to sell Land
for Hotels.

14. It shall be lawful for the Company from Time to Time to sell any Lands belonging to them, and which they may not require for the Purposes of their Undertaking, for the Erection thereon of Hotels, and such Lands shall not be subject to the Provisions of the 127th Section of "The Lands Clauses Consolidation Act, 1845."

Power to
lease the
Railway.

15. It shall be lawful for the Company, with the Approval of Three Fifths of the Votes of the Shareholders present and voting, personally or by proxy, at an Extraordinary Meeting of the Company, from Time to Time to demise or lease for such Consideration or annual Rent or Reservations, and under and subject to such Clauses, Powers, and Provisions as shall be agreed upon, their Undertaking or any Portion of the same, either before or after the Completion thereof, for any Term not exceeding Twenty-one Years unto *John Watson* and *James Overend*, either jointly or severally, or to the Survivor of them, their Executors or Administrators, or the Executors or Administrators of either of them, or of such Survivor (herein-after called the Lessees); and such Lease shall entitle the Lessees to the free Use and Enjoyment of the Railway constituting such Undertaking, or such Part thereof as shall be so leased; and during the Continuance of such Lease all the Powers and Authorities possessed by the Company at the Time of the Execution of such Lease, or which might be exercised by their Directors, Officers, Agents, or Servants, shall, in like Manner and to the same Extent in all respects, apply to and be held, exercised, and enjoyed by the Lessees, their Officers, Agents, and Servants, subject to all such and the same Regulations and Restrictions as may apply to the Company with reference to and in respect of their Undertaking at the Time of the Execution of such Lease, and the Seal of the Company attached to any such Lease shall be *prima facie* Evidence that the required Sanction of the Shareholders has been duly given: Provided always, that no such Lease shall be valid until the same shall have been approved by the Board of Trade.

Lease may
be modified
by the Board
of Trade.

16. If, at the Expiration of the first or any subsequent Period of Ten Years from the making of any such Lease, the Board of Trade shall be of opinion that the public Interests require a Modification of the Terms or Conditions thereof, they may require the Company and the Lessees to modify the Terms and Conditions thereof in such Manner as the said Board may think necessary for protecting such public Interests; and the Board of Trade shall have Power to declare, that if any Modification required by that Board be not
agreed

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agreed to, then at the End of not less than Twelve Months after Notice of such Modification being required the said Lease shall be determined.

17. Any Lease granted under the Authority of this Act shall contain the usual Proviso for Re-entry on Nonpayment of Rent or Nonperformance of Covenants, and also all usual and proper Covenants on the Part of the Lessees for maintaining the Railway, or the Portion thereof comprised in such Lease, in good and efficient Repair and working Condition during the Continuance thereof, and for so leaving the same at the Expiration of the Term thereby granted, or other sooner Determination of such Lease, and such other Provisions, Conditions, Covenants, and Agreements as are usually inserted in Leases of a like Nature.

Lease to contain all proper Covenants to efficiently repair Railway and so leave it.

18. Any such Lease to be made to any Person or Persons as aforesaid shall also contain a Power of Re-entry to the Company in the event of the Lessees becoming unable, by reason of any Execution, legal Process, Intestacy, Bankruptcy, Insolvency, or any personal Disability or Incapacity whatsoever, to carry on and continue the Traffic or working of the Undertaking of the Company, or so much thereof as shall be the Subject of such Lease, in an effectual and proper Manner, and according to the Laws for the Time being in force relating to Railways; and upon the occurring of any such Event as aforesaid, it shall be the Duty of the Company forthwith to re-enter upon and to carry on and continue the Traffic and working of their Undertaking in like Manner and with the same Powers, and subject to the same Obligations, Liabilities, Penalties, and Restrictions, as if no Lease thereof had been made: Provided always, that no such Re-entry shall in any Manner prejudice any Right or Claim which the Company may have against the Lessee or Lessees, or their Estate or Effects, on account of any Breach or Nonobservance of any of the Covenants contained in such Lease.

Lease to contain Provisions for Re-entry, and if Lessees become unable to carry on Traffic, Company to enter and work the Line.

19. Such Lease shall entitle the Lessees to the free Use of the Railway or Portion of Railway comprised therein, and during the Continuance of any such Lease all the Powers and Privileges granted to and which might otherwise be exercised and enjoyed by the Company or the Directors thereof, or their Officers, Agents, or Servants, by virtue of this or the recited Acts, with regard to the Possession, Enjoyment, and Management of the Railway, or of the Part comprised in such Lease, and the Tolls to be taken thereon, shall be exercised and enjoyed by the Lessees and the Officers and the Servants of the Lessees under the same Regulations and Restrictions as

Powers vested in the Company may be exercised by the Lessees.

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as are by this and the recited Acts imposed on the Company and their Directors, Officers, and Servants, and the Lessees shall with respect to the Railway comprised in such Lease be subject to all the Obligations by this or the recited Acts imposed on the Company.

Lease of
Railway not
to affect
Third Par-
ties.

20. No Lease of the Railway or any Part thereof shall take away, alter, or in anywise affect any of the Duties, Obligations, Restrictions, or Liabilities to which the Company but for the making of such Lease might by any Law or Statute be subject, but all Persons and Corporations, other than the Lessees, shall have the same Rights, Privileges, Powers, and Remedies against the Company, after the making of and notwithstanding such Lease, as they might have had if such Lease had not been made.

Lease not to
alter Tolls,
or prevent
Railways
being used.

21. Provided always, That no Lease of the Railway or any Part thereof shall in any Manner alter, affect, increase, or diminish any of the Tolls which the Parties to such Lease, or any of them, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or Company, but that all Persons and Companies shall, notwithstanding any such Lease, be entitled to the Use and Benefit of the Railway and the Works connected therewith upon the same Terms and Conditions, and upon Payment of the same Tolls, as they would have been in case no such Lease had been granted.

Power to
raise addi-
tional Cap-
ital by new
Shares.

22. The Company from Time to Time, with the Consent of an Extraordinary General Meeting, may create and issue additional Capital, not exceeding in the whole the Sum of Ninety thousand Pounds, by the Creation and Issue of new Ordinary or Preference Shares or Stock.

One Fifth
Part of the
Shares to
be paid on
Issue.

23. It shall not be lawful for the Company to issue any Share to be created under the Powers of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to
borrow on
Mortgage.

24. It shall be lawful for the Company from Time to Time to borrow on Mortgage, in addition to the Sums which the Company have been already authorized to borrow, a Sum not exceeding Thirty thousand Pounds in the whole : Provided always, that until Shares to the Extent of Ninety thousand Pounds shall under the Authority of
this

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this Act have been subscribed for and issued, and One Half thereof shall have been actually paid up, and the Company shall 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 the said Sum of Ninety thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share was paid on Issue of the same, and that all such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company shall not borrow any Sums under the Provisions of this Act.

25. All Mortgages or Bonds granted by the Company before the passing of this Act, and which may be still in force at the Time of the passing of this Act, shall during their Continuance, and until they shall have been paid off or renewed, have a Priority over all Mortgages granted under the Authority of this Act.

Priority of
existing
Mortgages.

26. All and every Part of the Money raised under the Authority of this Act shall be applied only to Purposes now authorized by the Company's Acts or authorized by this Act.

Application
of Money.

27. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made, as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Interest on
Calls not to
be paid out
of Capital.

28. The Company shall not, out of any Money by this Act or any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may require to be deposited in respect to any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or to execute any other Work or Undertaking.

Deposit for
future Bills
not to be
paid out of
Company's
Capital.

29. Nothing in this Act contained shall be deemed or construed to exempt the *Mid Wales* Railway from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament,

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

[*Local.*]

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or

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or from any future Revision and Alteration, under the Authority of Parliament, of Rates for small Parcels and the maximum Rates of Fares and Charges authorized by the recited Acts.

Expenses of
Act.

30. All the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

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