



CHAPTER CCXXV.

An Act to authorise the construction of a railway in the county of Montgomery from Welshpool to Llanfair; and for other purposes connected with the said railway.

A.D. 1877.

[10th August 1877.]

WHEREAS the construction of the railway herein-after described from Welshpool to Llanfair, in the county of Montgomery, would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing at their own expense to construct the said railway, and it is expedient that they should be incorporated into a Company, and that the powers herein-after contained should be conferred on them for that purpose:

And whereas it is expedient that the Company should be enabled to enter into agreements with the Cambrian Railways Company for the purposes herein-after specified:

And whereas plans and sections showing the lines and levels of the railway 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 Montgomery, and are herein-after respectively referred to as the deposited plans, sections, and book 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:

1. This Act may be cited as "The Welshpool and Llanfair Railway Act, 1877." Short title.

A.D. 1877.
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Certain provisions of Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," (relating respectively to "cancellation and surrender of shares" and to "debenture stock,") "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Company incorporated by this Act; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly 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. Ralph Dickinson Gough, Owen Jones, Richard Owen, Frederick Bromley Jones, 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 making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Welshpool and Llanfair Railway 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, and their undertaking shall be called "The Welshpool and Llanfair Railway."

Power to make railway.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose. The rail-

way herein-before referred to and authorised by this Act is in the county of Montgomery, and is— A.D. 1877.

A railway nine miles five furlongs and five chains, or thereabouts, in length, commencing in the parish of Welshpool by a junction with the Cambrian Railway, and terminating in the township of Heniarth in the parish of Llanfair.

Provided always, that in passing through the glebe land of the parish of Castle Caereinion, in the county of Montgomery, the railway shall be diverted within the limits of deviation on the west side of and so that the centre line of railway shall not be within one hundred and thirty-two yards of the Rectory House in that parish, and in making such diversion the Company may deviate from the levels shown on the deposited sections to any extent not exceeding twelve feet.

6. And whereas the railway is intended to be carried by means of a bridge over a canal called "The Montgomeryshire Canal," in the parish of Welshpool, in the county of Montgomery, reputed to belong to the Shropshire Union Railways and Canal Company, and which said Company are herein-after referred to as the Shropshire Union Company, at a point about four furlongs from the commencement of the railway as shown upon the deposited plans, therefore the Company shall at their own expense construct in a proper manner, and to the reasonable satisfaction of the engineer for the time being of the Shropshire Union Company, a good and substantial bridge over the said canal and the towing-path, having a clear span on the square of at least thirty-eight feet, and the spring of the arch or soffit of the girders shall at the aforesaid point of crossing over the said canal commence at a point not being less than eight feet above the present surface of the towing-path of the said canal, and the under side of the middle of the arch shall not be less than ten feet above the top-water level of the said canal, and the extreme width of such bridge shall not exceed thirty feet.

Company to construct a bridge over the Shropshire Union Canal.

7. During the construction of the said bridge and for the purposes thereof the Company may interfere with the said canal and towing-path so far as may be necessary, provided that the Company shall not at any time leave a less navigable space than ten feet in any part of the said canal nor a less space than five feet in width for the purpose of a towing-path at the side thereof: Provided that no such interference shall continue during a longer period than three months.

Limiting interference with canal during construction of bridge.

8. The Company shall, at their own expense, at all times after the said bridge shall have been completed, keep the same and any

Company to keep bridge, &c. in repair.

A.D. 1877. — future bridge to be erected in lieu thereof (and which shall be of the like character and dimensions as are herein-before mentioned), together with all works connected therewith, in good and complete repair to the reasonable satisfaction of the engineer for the time being of the Shropshire Union Company; and in case of any want of repair to such bridge, or any work connected therewith, and upon notice in writing thereof being given by the Shropshire Union Company or their secretary to the Company, the Company shall with all convenient despatch after such notice repair, or, as the case may require, raise, rebuild, or reconstruct the said bridge, or such part thereof as shall for the time being be requisite; and if the Company shall fail to commence the same or to proceed therein with reasonable despatch, the Shropshire Union Company may repair, raise, rebuild, or reconstruct such bridge or works, or such part thereof respectively as shall be necessary, in such manner as they may think proper, and all the expenses thereof shall be repaid by the Company to the Shropshire Union Company, upon demand, and in default of such payment may be recovered from the Company by the Shropshire Union Company, with costs, in any court of competent jurisdiction: Provided always, that during the progress of reconstructing such bridge, and at all future times during any repairs, raising, rebuilding, or reconstruction thereof, the engineer for the time being of the Shropshire Union Company, with the requisite assistants and workmen, shall have free access to such bridge, and full permission to inspect the workmanship and materials thereof.

Company not to alter the course or obstruct the navigation of the Shropshire Union Canal.

9. Except for the purpose of constructing the said bridge, as in this Act provided, it shall not be lawful for the Company or any person in execution of this Act to alter the course of the said canal, or to contract the width of the same or the towing-path thereof, or obstruct the course or supply of the water in or to the said canal, or in any manner to impede the navigation thereof or the access thereto, or to injure any of the banks or other works of or belonging to the said canal; and it shall not be lawful for the Company (except for the purpose aforesaid) to take or interfere with the said canal or any of the lands of the Shropshire Union Company otherwise than by agreement.

In case of obstruction to navigation, railway company liable to damages for same.

10. If by reason of any of the works by this Act authorised, or of the mode of construction, or of the bad state of repair of such bridge as aforesaid, or any of the slopes, banks, or works of the railway near the said canal, or of any other works by this Act authorised, or by any act or omission of the Company or any of their agents or servants, the said canal or the towing-path thereof,

or any of the works connected therewith, shall be injured or obstructed to a greater extent than by this Act authorised, and so that boats or other vessels using the same with their usual and accustomed loads shall be obstructed, impeded, or delayed in their passage along the said canal, or shall not be able to pass freely along the same, then and in such case the Company shall pay to the Shropshire Union Company as or by way of ascertained damages the sum of fifty pounds for every twenty-four hours during which any such obstruction or impediment shall continue, and so in proportion for any less period than twenty-four hours; and in default of payment of any such sum on demand made on the Company, the Shropshire Union Company may sue for and recover the same, together with full costs of suit against the Company, in any of the superior courts.

A.D. 1877:

11. Provided always, that nothing herein contained shall extend to prevent the Shropshire Union Company or any other company or person from recovering against the Company any special further or other damages that may be sustained by the Shropshire Union Company or any other company or person on account of any act or default of the Company in respect of which any sum in the nature of liquidated damages is hereby imposed or made payable beyond the amount thereof.

Nothing to prevent other persons suing for damages.

12. Nothing herein contained shall empower the Company to take away or lessen any springs, brooks, streams, feeders, drains, waters, or watercourses taken for the use of the Shropshire Union Company, or which the Shropshire Union Company are by law empowered to take and make use of for the purposes of the said canal, or to prevent any of such waters flowing into the said canal or into any feeder or reservoir of the Shropshire Union Company, or to take away or obstruct or in any manner impede the free use of any communication already made between the water of the said canal and any steam engine, or to take away or prejudice the right of any person to make such communication pursuant to the provisions of the Acts of Parliament relating to the Shropshire Union navigations, or any of them.

The springs, &c. of the Shropshire Union Company to be preserved.

13. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities vested in the Shropshire Union Company in and by all or any of the several Acts of Parliament now in force relating to the said canal, except as is expressly enacted by this Act.

Company not to interfere with the rights, &c. of the Canal Company.

14. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think

Power to take easements by agreement.

A.D. 1877. — fit, subject to the provisions of that Act and of “The Lands Clauses Consolidation Acts Amendment Act, 1860,” and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Act 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.

Capital. **15.** The capital of the Company shall be thirty-nine thousand pounds, in three thousand nine hundred shares of ten pounds each.

Shares not to be issued until one fifth paid. **16.** 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. **17.** One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths 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. **18.** 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.

Power to borrow on mortgage. **19.** The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirteen thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty-nine thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of “The Companies Clauses Consolidation Act, 1845,” before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other

evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. A.D. 1877.
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20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole. For appointment of a receiver.

21. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

22. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied to the purposes of this Act only. Application of moneys.

23. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act. First ordinary meeting.

24. The quorum of meetings of the Company shall be six shareholders present in person or by proxy, holding in the aggregate not less than four thousand pounds in the capital of the Company. Quorum of meetings of Company.

25. The number of directors shall be five, but the Company may from time to time reduce that number, provided that it be not less than three. Number of directors.

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

27. The quorum of a meeting of directors shall be three so long as their number is five or four, and two when it is reduced to three. Quorum.

28. Ralph Dickinson Gough, Owen Jones, Richard Owen, and Frederick Bromley Jones, and one other person nominated by them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary First directors.

A.D. 1877.
Election of
directors.

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, re-eligible; and at the first ordinary meeting to be held in every year after 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 the 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 resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Contribution
to an ap-
proach road.

29. The Company may apply or contribute out of their capital a sum of money not exceeding £2,000 for making a convenient way to the railway by means of a new carriage-road from a point near Mathyrafal Castle to a point near Pont Sychoed, and may purchase by agreement any land required for that purpose, not exceeding in the whole four acres: Provided that no such application or contribution shall be made unless and until provision shall have been made for the maintenance and repair of such new carriage-road by the Llanfyllin Highway Board, or other authority having the control or management of other public highways situate within the same district.

Lands for ex-
traordinary
purposes.

30. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," other than the making of the said new carriage-road, shall not exceed two acres.

Period for
compulsory
purchase of
lands.

31. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to
cross certain
road on the
level.

32. 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 railway, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with

a double line only, across and on the level of the road next hereinafter mentioned; (that is to say,) A.D. 1877.

No. on deposited Plans.	Parish.	Description of Road.
72, 75, and 78	Welshpool - -	Public highway.

33. In altering for the purposes of this Act the road next hereinafter mentioned, the Company may make the same of any inclinations not steeper than the inclination herein-after mentioned in connexion therewith; (that is to say,) Inclination of road.

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
125	Castle Caereinion	Public highway -	1 in 12 on one side, and level on the other.

34. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,) Widths of certain roadways.

No. on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
199	Castle Caereinion	Turnpike road -	18 feet.
45, 49	Do.	Public highway -	12 feet.
125, 133	Do.	Do.	12 feet.

35. Notwithstanding anything in this Act contained, it shall not be lawful for the Company to purchase and take the church in the parish of Castle Caereinion and the land round the same, or the schoolhouse, respectively numbered in the deposited plans and book of reference 53 and 54 in the same parish, or any part of those properties, except with the consent in writing of the Reverend Canon David Williams, or other the rector for the time being of that Church and school in Castle Caereinion not to be taken compulsorily.

A.D. 1877.

parish, and of Her Majesty's Secretary of State for the Home Department, and the Company shall not take or enter into possession of any glebe land of the said parish until the purchase money for the same shall have been paid, and shall not take more than two acres of such glebe land without the consent in writing of the said Canon Williams or other such rector as aforesaid; and the fence on both sides of the railway through the said glebe land shall be continuous iron fencing with quicksets, and the Company shall, at their own expense, construct and maintain an occupation bridge over the railway at a point on such glebe land to be fixed by the said Canon Williams or other such rector as aforesaid.

Method of crossing certain road in Welshpool.

36. The occupation road numbered 29, in the parish of Welshpool, shall be carried over the railway by a bridge which shall be constructed to the satisfaction of the Right Honourable the Earl of Powis, the reputed owner of such road, or of some person appointed by him for that purpose.

As to construction of railway through the Dysserth Estate.

37. Notwithstanding anything in this Act contained, the railway shall only be constructed in accordance with the following provisions:

(1.) The railway shall not cross the drive being the continuation of the road numbered 36 on the said plans, in the parish of Welshpool, at any point to the west of the gate which, at the passing of this Act, forms the entrance to the piece of land numbered as aforesaid 33 in the same parish, and the said entrance gate shall not be injured, nor shall the part of the said drive forming the eastern approach thereto be permanently interfered with by any operation or work of the Company:

(2.) The railway shall pass through the properties respectively numbered as aforesaid 39 and 36A, in the same parish, for a distance not less than 150 yards from the point where the railway will cross the said drive before re-entering any land forming part of the Dysserth Estate, reputed to belong to John Davis Corrie, and no timber on the said piece of land numbered 33 shall be felled, cut, or injured by the Company or any contractor, agent, servant, or workman of the Company:

(3.) An occupation bridge over the said line shall be constructed at or about the point shown on the said plans as one mile four furlongs and a half from the commencement of the railway, by and at the expense of the said Company, to the reasonable satisfaction of a surveyor to be appointed for that purpose by the said John Davis Corrie or other the

owner for the time being of the said estate, for the private use and benefit of such owner : A.D. 1877.

- (4.) The Company shall, at their own expense, provide to the reasonable satisfaction of such surveyor as aforesaid and for ever maintain a good and sufficient siding for the interchange of traffic on, to, and from the railway at or about the point marked on the said plan as two miles and one furlong from the commencement of the railway.

The works prescribed by this section shall be deemed to be works for the accommodation of the said Dysserth Estate, but shall not prejudice the right of the owner for the time being of the said estate to such further accommodation works (if any) as he may be entitled to under the Lands Clauses Consolidation Act, 1845.

38. The Company shall not, under the powers of this Act, take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers. As to houses of labouring classes.

39. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand nine hundred and fifty-five pounds, being equal to five per centum upon the amount of the estimate in respect of the undertaking originally proposed to be authorised by this Act, has been deposited with the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act; and whereas part of that undertaking has been abandoned, and the estimate of expense of the railway authorised by this Act amounts to thirty-four thousand nine hundred and seventy-six pounds: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of one thousand seven hundred and fifty pounds, being five per centum upon the amount of the estimate of the railway hereby authorised, and being part of the money so deposited as aforesaid, shall not be paid 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, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

A.D. 1877. — this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of one thousand seven hundred and fifty pounds shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

40. The said sum of one thousand seven hundred and fifty pounds shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, 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 said Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before 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 person or persons or the majority

of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them. A.D. 1877.

41. The Chancery Division of the High Court of Justice may at any time after the passing of this Act order that the sum of £205, being the remaining portion of the said sum of £1,955, and any interest or dividends thereon, shall be paid to or on the application of the person or persons named in such warrant or order as aforesaid, or the survivor or survivors of them. Repayment
of part of
deposit
money.

42. If the railway is 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for
completion
of railway.

43. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,) Tolls.

In respect of passengers and animals conveyed upon the railway or any part thereof, as follows :

For every person twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile : For pas-
sengers.

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile : For animals.

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per head per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile :

Class 3. For every calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile.

In respect of goods conveyed on the railway or any part thereof : For goods.

Class 4. For all dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, coal, coke, culm, cannel, ironstone, iron ore, limestone, stones for building, pitching, and paving, tiles, slates, and clay (except fire-clay), and for wrought iron not otherwise specifically classed herein, and for heavy iron castings, including railway chairs, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny :

A.D. 1877.

Class 5. For all pig iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, wrought iron, charcoal, chalk, lime, bricks, salt, sand, fire-clay, cinders, slag, and stone, per ton per mile twopence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny :

Class 6. For all sugar, grain, corn, flour, hides, dyewood, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton per mile twopence halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

Class 7. For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny :

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) conveyed on a truck or platform belonging to the Company, sixpence per mile; and a like 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.

Tolls for
propelling
power.

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

Regulations
as to tolls.

45. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

Short
distances.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :

Fractional
parts of a
mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the numbers 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; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand tolls according to the numbers 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: Fractional parts of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight: General weight.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity. Weight of stone and timber.

46. With respect to small parcels not exceeding five 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,) Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway or any part thereof, as follows:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds but 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 eightpence:

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 of 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, as follows:

For any boiler, cylinder, 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 demand such

A.D. 1877.

sum as they think fit, not exceeding sixpence 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.

47. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway 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 threepence per mile :

For every passenger conveyed in a second-class carriage, the [sum of twopence per mile :

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

Maximum
rates for
animals and
goods.

48. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and 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 animal in Class 1, fourpence per mile :

For every animal in Class 2, threepence per mile :

For every animal in Class 3, one penny halfpenny per mile :

For everything in Class 4, one penny halfpenny per ton per mile :

For everything in Class 5, twopence halfpenny per ton per mile :

For everything in Class 6, threepence per ton per mile :

For everything in Class 7, fourpence per ton per mile :

And 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 a truck or platform, per mile sixpence ; and for every quarter of a ton beyond one ton, one halfpenny.

Passengers
luggage.

49. Every passenger travelling upon the railway 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. A.D. 1877.

50. 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. Terminal station.

51. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, 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. Foregoing charges not to apply to special trains.

52. 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 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 conveyance of animals or goods (other than small parcels) by passenger trains. Company may take increased charges by agreement.

53. The Company and the Cambrian Railways Company may from time to time (subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873,") enter into and carry into effect agreements with respect to the following matters or any of them; namely, As to working agreements.

The working, use, management, and maintenance of the railway and works of the Company, or any part or parts thereof respectively :

The supply, under any agreement for the railway being worked or used by the Cambrian Railways Company, of rolling stock and machinery necessary for the purposes of such agreement, and of officers and servants for the conduct of the traffic of the railway :

The payments to be made and the conditions to be performed with respect to such working, use, management, and maintenance :

The interchange, accommodation, and conveyance of traffic coming from or destined for the respective undertakings of the contracting companies, and the division and appropriation of the revenue arising from that traffic.

54. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway, the railway of the Company and of the other contracting Tolls on traffic conveyed partly on the rail-

A.D. 1877. company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways and partly on the railway of the other contracting company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the other contracting company.

ways and partly on the railway of the other contracting company.

Interest not to be paid on calls paid up.

55. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

56. 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.

57. 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.

58. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster

A.D. 1877.

General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

- (B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same: Power for Postmaster General to annex conditions.
- (C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon: Power of entry for Postmaster General.
- (D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company: Compensation by Company to Postmaster General, and penalty.
- (E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time Power for Postmaster General to

A.D. 1877.

construct
and work
telegraphs,
&c.

being of the Company may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may, by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company, and if at any time the Company desire to make, at their own expense, any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention, and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected :

Provisions
to remain in
force for one
year and to
the end of
the then next
session of
Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

Expenses of
Act.

59. 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.