



CHAPTER cclii.

An Act to enable the Golden Valley Railway Company to abandon a portion of their authorized railway; to construct new railways; and for other purposes. A.D. 1884.

[14th August 1884.]

WHEREAS by the Golden Valley Railway Act 1876 (hereinafter called "the Act of 1876") the Golden Valley Railway Company (hereinafter called "the Company") were incorporated and authorized to make a railway in the county of Hereford from the Great Western Railway at Pontrilas to Dorstone and were authorized to raise a sum of sixty thousand pounds by the creation and issue of six thousand shares of ten pounds each and twenty thousand pounds by borrowing:

And whereas by the Golden Valley Railway (Extension to Hay) Act 1877 (hereinafter called "the Act of 1877") the Company were authorized to extend their railway to the town of Hay in the county of Brecon and for that purpose were authorized to raise the sum of seventy-two thousand pounds by the creation and issue of seven thousand two hundred shares of ten pounds each and twenty-four thousand pounds by borrowing:

And whereas by the Golden Valley Railway Act 1882 (hereinafter called "the Act of 1882") the time limited by the Act of 1877 for the completion of the railway thereby authorized was extended until the second day of August one thousand eight hundred and eighty-four and the Company were authorized to borrow on mortgage of their undertaking in addition to the sums which they were then authorized to borrow any sum not exceeding in the whole twenty thousand pounds:

And whereas it would be of public and local advantage if the Company were authorized to abandon the portion hereinafter described of the railway authorized by the Act of 1877 and to construct in lieu thereof the railways also hereinafter described and to raise further capital for that purpose:

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And whereas it is expedient that the Company on the one hand and the Mid Wales Railway Company on the other hand should be empowered to enter into and carry into effect working and other agreements as hereinafter provided :

And whereas plans and sections showing the lines and levels of the railways authorized by this Act 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 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 Hereford and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Golden Valley Railway (Hay Extension) Act 1884.

Incorporation of Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 Part I (relating to the construction of a railway) 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 namely :—

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 :

The consolidation of the shares into stock :

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 :

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Also Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture stock) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act. A.D. 1884.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction. The expression "the railways" means the railways authorized by this Act 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 partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. Interpretation.

4. The Company shall abandon the construction of so much of the railway authorized by the Act of 1877 as lies between the point at and from which the railway No. 1 hereinafter described is to commence and the termination of the authorized railway. Power to abandon portion of authorized railway.

5. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1877. Compensation for damage to lands by entry &c. for purposes of portion abandoned.

6. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railway or works authorized to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase Release from liability to purchase such lands, compensation being made.

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A.D. 1884. — not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation for lands taken under the provisions thereof and such compensation (if any) when ascertained shall together with any compensation payable under section 5 be a charge upon the deposit fund under this Act and also the Act of 1877.

Power to
make rail-
ways.

7. 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 proper bridges viaducts stations approaches junctions roads buildings yards 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 books of reference as may be required for that purpose. The railways hereinafter referred to and authorized by this Act are wholly situate in the county of Hereford :

A railway (No. 1) five miles seven furlongs seven chains in length commencing in the parish of Clifford by a junction with the railway authorized by the Act of 1877 at or near the point which on the plans deposited for and referred to in that Act indicates the distance of two miles from the commencement of the said authorized railway and terminating in the parish of Cusop in the field marked No. 3 on the tithe commutation map of that parish :

A railway (No. 2) eight chains in length commencing in the parish of Cusop by a junction with railway (No. 1) in the field marked No. 1 on the tithe commutation map of that parish and terminating in the said parish by a junction with the Hereford Hay and Brecon Railway of the Midland Railway Company.

For protec-
tion of the
Midland
Railway
Company.

8. The junction between the Company's railway and the Hereford Hay and Brecon Railway of the Midland Railway Company (hereinafter called "the Midland Company") shall be formed in such a position within the limits of deviation shown on the deposited plans and in such manner as shall be approved of by the principal engineer for the time being of the Midland Company or failing agreement within thirty days after submission of a plan by the Company to the Midland Company by an officer to be appointed by the Board of Trade on the application of either party.

Power to
raise addi-
tional
capital.

9. 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 forty-five 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 or corporation 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.

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10. Except as by this Act otherwise provided 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 the same incidents as existing shares or stock.

11. The Company may apply to the purposes of this Act to which capital is properly applicable any money which by any other Act they are authorized to raise and which may not be required for the purposes to which by that Act it is authorized to be applied.

Power to apply funds.

12. The Company may in respect of the additional capital of forty-five thousand pounds which they are by this Act authorized to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital 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 capital have been issued and accepted and that one-half of such capital 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 until stock for one-half of so much of the said additional 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 bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators

Power to borrow.

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Priority of principal moneys secured by existing mortgages.

13. The principal moneys secured by mortgages granted by the Company under the powers of any Act of Parliament 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 granted have priority over the principal moneys secured by any mortgage granted by virtue of this Act.

Repealing provisions of previous Acts for appointment of a receiver.

14. The provisions of all previous Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings pending.

For appointment of a receiver.

15. The mortgagees of the undertaking 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 authorize 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 ten thousand pounds in the whole.

Debenture stock.

16. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorized) and shall have priority over all principal moneys secured by such mortgages. Provided that nothing in this section contained shall alter the priority in the payment of the interest on all debenture stock and mortgages now or hereafter created and issued or granted under the powers of the Acts of 1876 1877 and 1882 and all mortgages and debenture stock certificates hereafter granted or issued shall be indorsed accordingly.

Application of moneys.

17. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act only.

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18. 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.

Period for compulsory purchase of lands.

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

Inclination of roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 1.			
13	Clifford - - -	Turnpike - - -	1 in 17.
128	Clifford - - -	Public - - -	1 in 15.

20. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

21. 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 four hundred and ninety-nine pounds four shillings and four pence Three pounds per centum Consolidated Bank Annuities being equal to five per centum upon the amount by which the estimate in respect of the railways authorized by this Act exceeds the estimate in respect of the portion of railway by this Act directed to be abandoned has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in

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

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A.D. 1884. — 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. 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 the entire length of the railways the Chancery Division shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit.

22. 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 Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery 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 Chancery Division if the Company is insolvent and has been

ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as hereinbefore mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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

Period for completion of works.

24. The railways by this Act authorized shall for the purposes of tolls and charges and all purposes whatsoever be part of the railways of the Company as if authorized by the Acts of 1876 and 1877 and subject to the provisions of this Act the lands and property from time to time acquired by the Company under this Act and the railways and works hereinbefore described shall be comprised in the undertaking of the Company as if the Company had been authorized by the Acts of 1876 and 1877 to acquire make and maintain the same.

New railways to be part of the Company's undertaking.

25. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling. The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. If the Company fail to comply with the provisions of this section they

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

Terminal charges (if any) to be specified on application.

Penalty.

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Regulating
the user by
the Com-
pany of the
Midland
Company's
station at
Hay.

26. The Company shall be entitled to use the Hay station of the Midland Company and so much of the Midland Company's railway as lies between the termination of railway (No. 2) and that station for all purposes of coaching traffic and the following provisions shall apply to such user:

(A) The Company shall pay to the Midland Company in respect of such user an annual rent to be determined in case of difference by arbitration as hereinafter mentioned:

(B) The Company shall pay to the Midland Company the cost of any alteration or enlargement of the Hay station required for the due and proper accommodation of the traffic of the Company. The nature and extent of such alteration or enlargement shall in case of difference be determined by arbitration as hereinafter mentioned and the estimated cost thereof shall if required by the Midland Company be deposited with them by the Company prior to the commencement of the work:

(C) The working expenses of the Hay station which shall include maintenance rates and taxes and all incidental expenses shall from the date when the Company commence to use the same be divided between the Company and the Midland Company in proportion to the number of passengers booked by them respectively thereat:

(D) The Company may either provide their own goods station at Hay or they may use the Midland Company's goods station there for their traffic of all descriptions in which case the Midland Company shall perform all station services including collection and delivery and shall receive the usual Clearing House terminals upon the traffic:

(E) Any difference that may arise between the Company and the Midland Company with respect to the foregoing provisions or any of them shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

27. The Company on the one hand and the Mid Wales Railway 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 Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind contracts agreements and

Power to
enter into
working
agreements
with the
Mid Wales
Railway
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arrangements with respect to the following purposes or any of them (that is to say):— A.D. 1884.

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

The supply and maintenance under any agreement for the railways of the Company being worked and used by the working company of engines stock and plant and the employment of officers and servants for the conduct of traffic on the respective railways or any part thereof necessary for the purposes of such agreement:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways and stations of the contracting companies or either of them:

The fixing collection payment appropriation apportionment and distribution between the said Companies of the tolls rates income and profits arising from the respective railways and works of the contracting Companies or either of them or any part thereof.

28. During the continuance of any agreement to be entered into under the provisions of this Act between the Company and the Mid Wales Railway Company the railways of the Company and of the Mid Wales Railway 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 of the Company and partly on the railways of the Mid Wales Railway 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 railways and partly on the railways of the Mid Wales Railway Company.

Tolls on traffic conveyed partly on the railway and partly on railways of the Mid Wales Railway Company.

29. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorized 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

Prohibiting payment of interest out of capital.

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A.D. 1884. — 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.

30. The Company shall not out of any money by this Act authorized 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 authorizing the Company to construct any other railway or to execute any other work or undertaking.

Provisions as to general Railway Acts.

31. Nothing in this Act contained shall exempt the Company or the railways 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 authorized by this Act.

Costs of Act.

32. All costs charges and expenses of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.