ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

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Cap. clxxix.

An Act to enable the *Bala and Dolgelley* Railway Company to construct additional Works at *Dolgelley* in the County of *Merioneth*, to amend the Acts relating to the Company, and to authorize certain Arrangements with the *Aberystwith and Welsh Coast* Railway Company; and for other Purposes. [21st *July* 1863.]

WHEREAS by "The *Bala and Dolgelley* Railway Act, 1862," (in this Act called "the Act of 1862,") the *Bala and Dolgelley* Railway Company (in this Act called "the Company") were authorized to make a Railway from *Bala* to *Dolgelley* and to raise by Shares One hundred and twelve thousand Pounds and by borrowing Thirty-seven thousand Pounds: And whereas by such Act it was enacted (Section Twenty-four) that the Company should at their own Expense execute the necessary Works for effecting a convenient Junction at *Dolgelley* between the Railway of the Company and the Railway of the *Aberystwith and Welsh Coast* Railway Company; and that if such Junction could not under the Powers granted by that Act or the Powers to be vested in the *Aberystwith and Welsh Coast* Railway Company (in this 25 & 26 Vict. c. cix.

this Act called "the *Aberystwith* Company") be effected, the Company should at their own Expense in the next Session of Parliament apply for and duly prosecute a Bill to enable them to purchase Land and execute the necessary Works for effecting such Junctions: And whereas it is expedient that the Company be authorized to construct a Railway for effecting the Junction required to be provided by the said Act, and should also be authorized to make a Railway to the Ironstone Mines in the Parish of *Dolgelley*: And whereas it is also expedient that such Powers should be given to the Company and the *Aberystwith* Company for the Construction of a Joint Station at *Dolgelley* as are in this Act expressed: And whereas it is expedient that the Company should be authorized to raise additional Capital in manner herein-after mentioned: And whereas it is expedient that the Provisions of the Act of 1862 should be amended and enlarged; but the several Purposes aforesaid 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 for any Purpose as "*Bala and Dolgelley* Railway Act, 1863."

Interpretation of Terms.

2. The Expression "the Railway" used in this Act means the Railways, Tramway, and other Works by this Act authorized to be made, and the several other Words and Expressions to which by the several Acts incorporated with and extended to this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

8 & 9 Vict. cc. 18. & 20. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act.

Parts of 8 & 9 Vict. c. 16. incorporated.

4. The following Provisions of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with this Act; (to wit,)

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

With respect to the Transfer or 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 the Company against the Shareholders:

With

With respect to the borrowing of Money by the Company on Mortgage or Bond:

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

With respect to the Consolidation of the Shares into Stock:

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested.

Power to construct Railway and Works.

5. And whereas Plans showing the Lines of the Railway and the Lands in or through which the same may be made, and Sections showing the Levels of the Railway, and a Book of Reference to the said Plans, have been deposited with the Clerk of the Peace for the County of *Merioneth*: Therefore, subject to the Provisions of this Act and to the Powers of Deviation conferred by "The Railways Clauses Consolidation Act, 1845," the Company may make and maintain the Railway herein-after described, with all proper Stations, Sidings, Cranes, Drops, Machinery, Works, and Conveniences connected therewith, in the Lines and upon the Lands delineated upon the Plans and described in the Book of Reference, and according to the Levels described on the Sections deposited as aforesaid, and may enter upon, take, and use such of the said Lands as the Company deem requisite for such Purposes.

Describing Lines of Railway.

6. The Railway and Works by this Act authorized comprise the following:

A Railway commencing in the Township of *Garthgynfawr* in the Parish of *Dolgelley* in the County of *Merioneth*, by a Junction with the authorized Line of the *Bala and Dolgelley* Railway, and terminating in the said Parish of *Dolgelley* by a Junction with the Railway of the *Aberystwith and Welsh Coast* Railway Company authorized by "The *Aberystwith and Welsh Coast* Railway Act, 1862," and therein designated as Railway No. 6:

A Railway or Tramway commencing in the Township of *Garthgynfawr* in the Parish of *Dolgelley* in the County of *Merioneth*, by a Junction with the authorized Line of the *Bala and Dolgelley* Railway, and terminating at or near the Iron Mines at or near *Bwlch Coch* in the Parish of *Dolgelley* in the County of *Merioneth*.

Regulating Inclination of certain Roads.

7. It shall be lawful for the Company to construct the Approaches to the Arch for carrying the Roads numbered 9 and 12 and 24 in the Township of *Garthgynfawr* in the Parish of *Dolgelley* under the Railway with such Inclination as they think fit, not exceeding the rate of One in Ten in the Case of the Road numbered 9, and One in Fifteen in the Case of the Road numbered 12, and in the Case of the Road numbered 24, One in Ten on one Side and level on the other.

Span of certain Arches.

8. In constructing the Railway over the Roads numbered respectively 12 and 32 in the Township of *Garthgynfawr* in the Parish of *Dolgelley*, the

the Company may make the Span of the Arch of such Dimensions as they think proper, not being less than Sixteen Feet.

Land for extraordinary Purposes.

9. The Company from Time to Time may by Agreement purchase any Quantity of Land near or adjoining to the Railway for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," not exceeding Two Acres, in addition to the Land which they are by the Act of 1862 and this Act authorized to take for such Purposes.

Powers for compulsory Purchases limited.

10. The Powers for the compulsory Purchase of Lands given by this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

11. If the Railway shall not be completed within Five Years from the passing of this Act, then on the Expiration of such 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.

Company not to take certain Lands of Aberystwith and Welsh Coast Railway Company without Consent.

12. The Company shall not under the Powers of this Act enter upon and take (except for the Purposes of effecting the Junction authorized by this Act) any Lands which the *Aberystwith and Welsh Coast* Railway Company are authorized and required to take for the Purposes of their authorized Undertaking on the West or Riverward Side of the Road numbered 39 on the deposited Plans referred to in this Act without the Consent in Writing of the *Aberystwith and Welsh Coast* Railway Company first had and obtained.

As to Communication with the Aberystwith and Welsh Coast Railway.

13. The Junction by this Act authorized with the *Aberystwith and Welsh Coast* Railway shall be effected in a substantial Manner by means of Connexion Rails and Points of the Construction and laid in the Manner which the Engineer for the Time being of the *Aberystwith and Welsh Coast* Railway Company may from Time to Time approve and require, and shall be executed to his Satisfaction in all respects: Provided always, that in case of Difference between such Engineer and the Engineer of the Company with respect to any Works for effecting any such Junction, the same shall be determined by an Engineer to be appointed by the Board of Trade.

Expense of Junction to be borne by the Company.

14. The Expense of the said Junction and of all necessary Works for effecting, altering, and amending such Junction, and for repairing and maintaining the Rails and Points at such Junction, shall be borne and paid by the Company, and such Junction and Works shall be from Time to Time amended, repaired, and maintained under the Direction and Superintendence and to the reasonable Satisfaction of the Engineer for the Time being of the *Aberystwith and Welsh Coast* Railway Company, and

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in such Manner and by such Ways and Means respectively as shall not injure the Railway of that Company.

For securing the Completion of the Railway.

15. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Two thousand and eighty Pounds, being Eight *per Centum* upon Twenty-six thousand Pounds, the Amount of the Estimate in respect of the Railway and Works authorized by this Act, has been deposited with the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said last-recited Act, the said Sum of Two thousand and eighty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Sum of Twenty-six thousand Pounds, Part of the Capital by this Act authorized to be raised by means of Shares for the Purpose of making the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Sum of Twenty-six thousand Pounds; and if the said Period shall expire before the said Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that, at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two thousand and eighty Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two thousand and eighty Pounds if the said Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public

Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Sum of Twenty-six thousand Pounds, the Capital by this Act authorized to be raised by means of Shares for the Purpose of making the Railway, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Sum, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said last-recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interests or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Arrangements with Aberystwith Company as to Dolgelley Station, &c.

16. The Company and the *Aberystwith* Company may from Time to Time make and carry into effect, rescind, or modify Contracts for and with respect to all or any of the Purposes following, and all incidental Matters; (to wit,)

The Construction, laying down, Maintenance, and Repairs, by both or either of the contracting Companies, of a joint Station at or near *Dolgelley*, and of any Sidings, Works, and Conveniences connected therewith respectively:

The Use and Management by both or either of the contracting Companies of the said Station, Sidings, Works, and Conveniences, or any of them, or any Part thereof:

The Mode and Place of effecting the Junction and Communication between the Railway of the *Aberystwith* Company and the Railway by this Act authorized, and the Cost and Expenses thereof, and of the Works connected therewith, the Erection and Maintenance of such Signals, Works, and Conveniences, and Employment of such Watchmen, Switchmen, and Persons as aforesaid, and the Payment of the Expenses, Wages, Costs, and Charges thereof, or connected therewith:

The Payments and Allowances to be charged, made, and allowed by each or either of the contracting Companies to or in aid of the other of them, or otherwise for or in respect or on account of the Purposes or Matters aforesaid.

17. No

Assent of Shareholders to such Contracts.

17. No such Contract as last aforesaid shall have any Operation or Effect until it has been duly assented to by Three Fifths of the Votes of the Shareholders of the Company and the *Aberystwith* Company respectively, at Special Meetings convened with Notice of the Object of the Meeting as herein-after mentioned.

Meeting how to be convened.

18. Such Meeting shall be called by Advertisement inserted once at least in Two successive Weeks in some Newspaper of the County in which the principal Office of the Company Party to such Contract is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Power to raise additional Capital by new Shares.

19. In addition to the Sums of Money which the Company are authorized to raise by the Act of 1862, the Company may from Time to Time raise by the Creation of new Shares of the nominal value of Ten Pounds each any Sums not exceeding in the whole Thirty-eight thousand Pounds, and the Company may create and issue such Shares at such Times and to such Persons as the Company from Time to Time may think fit.

Power to cancel unissued Shares.

20. If after having created any Shares the Company determine not to issue the whole of such Shares they may cancel the unissued Shares, and from Time to Time thereafter may create in lieu thereof other Shares of an aggregate Amount not exceeding the aggregate Amount unpaid upon the Shares so cancelled.

Calls.

21. The greatest Amount of a Call on a new Share shall be Two Pounds, and Three Months at the least shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

New Capital to be subject to same Incidents as Capital authorized by recited Act.

22. Except as otherwise provided by or under this Act the new Share Capital created by virtue of this Act shall be considered as Part of the general Capital of the Company and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except as to the Times of making Calls thereon, and the Amount of such Calls which respectively it shall be lawful for the Directors of the Company, subject as herein mentioned, from Time to Time to fix as they shall think fit.

23. The

Votes and Qualifications in respect of new Shares.

23. The new Shares shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

Power to borrow on Mortgage.

24. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Eleven thousand nine hundred Pounds, in addition to the Sum authorized to be borrowed by the Act of 1862, but no Part of such additional Sum shall be borrowed until the whole Share Capital of the Company under this Act shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide* and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Priority of existing Mortgages.

25. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted by virtue of this Act.

Application of Capital.

26. All Monies raised under the Powers of this Act by Shares or by borrowing shall be applied as follows: As regards the Sum of Twenty-six thousand Pounds in the Construction of the Railway authorized by this Act, and as regards the Remainder of the Money authorized to be raised by this Act for the general Purposes of the Undertaking of the Company.

Tolls on Extension Railway.

27. Except as by this Act authorized with regard to the Railway or Tramway to the Iron Mines at *Bwlch Coch*, the Company may demand and take upon, for, and in respect of the Railway the like Tolls, Rates, and Charges as they are for the Time being authorized to take for and in respect of the Railway by the Act of 1862 authorized to be made, and in the same Manner, and with, under, and subject to the same Powers and Provisions in all respects as if the Railway formed Part of the Railway authorized by the Act of 1862, and the Railway shall for all Purposes be deemed Part of the Undertaking of the Company.

As to short Distances.

28. In estimating the Tolls and Charges to be paid for short Distances in respect of Articles or Persons conveyed over the Railway (except the Railway or Tramway to the said Iron Mines) and also over the Railway to be constructed under the Powers of the Act of 1862, the Distances traversed shall be reckoned continuously on such Railways as if the Railways were One Railway.

Additional Toll for Tramway.

29. Inasmuch as upon the Railway or Tramway to the Iron Mines at *Bwlch Coch* by this Act authorized to be made there will be One or more inclined

inclined Planes, and the same is intended to be worked otherwise than by Locomotive Engines: Therefore, the Company may demand and receive in respect of Goods and Minerals conveyed on such Railway and Tramway, or any Part thereof, Tolls, Rates, and Charges as for Six Miles, and such Demand may be made whether or not such Goods and Minerals have been conveyed over or upon any other Part of the Railway of the Company.

Interest not to be paid on Calls paid up.

30. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized 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: Provided always, that this Act shall not prevent the Company from paying Interest on Money paid in anticipation of Calls in conformity with "The Companies Clauses Consolidation Act, 1845."

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

31. The Company shall not, out of any Money by this Act or any other 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 now in force or hereafter to be 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 execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

32. Nothing in this Act contained shall be deemed or construed to exempt the 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 this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels, or of the maximum Rates of Fares and Charges authorized by this Act or the recited Acts.

Saving Rights of the Crown.

33. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Right of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

34. All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act and preparing thereto shall be paid by the Company.

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