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Cap. cclxxxiv.

An Act to empower the *Brecon and Llandovery Junction* Railway Company to make a Deviation of Part of their authorized Railway; and for other Purposes. [5th *July* 1865.]

WHEREAS by the "*Brecon and Llandovery Junction* Railway Act, 1863," (in this Act called "the Act of 1863,") the *Brecon and Llandovery Junction* Railway Company (in this Act called "the Company") were incorporated, with a Capital of One hundred and twenty thousand Pounds, and with Power to borrow on Mortgage any Sums not exceeding Forty thousand Pounds, and were authorized to make and maintain a Railway from the *Central Wales Extension* Railway, near the Town of *Llandovery* in the County of *Carmarthen*, to the *Dulas Valley Mineral* Railway in *Defynnock* in the County of *Brecon:* And whereas it is expedient that the Company be authorized to make a Deviation Railway commencing in the Parish of *Llywell* in the County of *Brecon* by a Junction with the Railway authorized by the Act of 1863, near the Point marked Twelve Miles and Five Furlongs on the deposited Plans referred to in that Act, and terminating in the Parish of *Llandingat* in the County of *Carmarthen* by a Junction with the Railway authorized by the Act of 1863, at or near a Point marked

26 & 27 Vict. c. cci.

Eighteen Miles and Six Furlongs on the said Plans, and to abandon the Portion of the Railway authorized by the Act of 1863, for which such Deviation Railway will be substituted: And whereas it is expedient that the Company be authorized to carry the Railway authorized by the Act of 1863 upon the Level over the public Road numbered 101 in the said Parish of *Defynnock* on the Plans deposited with the Clerk of the Peace for the County of *Brecon* for the Purposes of the Act of 1863: And whereas it is expedient that the Company be empowered to divide their Shares into Preferred Half Shares and Deferred Half Shares: And whereas Plans and Sections showing the Situation, Lines, and Levels of the proposed Deviation Railway and Works, and the Lands proposed to be taken or which may be required to be taken for the Purposes thereof, and Books of Reference to those Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of those Lands respectively, have been deposited with the respective Clerks of the Peace for the Counties of *Brecon* and *Carmarthen*, and those Plans, Sections, and Books of Reference are in this Act referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas the Objects 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "The *Brecon and Llandovery Junction* Railway Act, 1865."

8 & 9 Vict. cc. 18. & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. relating to Construction of a Railway, and Part III. relating to Working Agreements, of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of those Acts or Parts of Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Interpretation of Terms in incorporated Acts.

3. In construing in connexion with this Act the Acts and Parts of Acts incorporated herewith, the Term "Superior Courts" includes any Court of competent Jurisdiction as in this Act defined, and the Word "Share" includes Stock.

Interpretation of Terms in this Act.

4. In this Act and the Acts and Parts of Acts incorporated therewith, the Expression "Court of competent Jurisdiction," or any other like Expression, shall be read and have Effect as if the Debt or Demand

Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Term "Traffic" shall have the Meaning assigned to that Term in and by the "Railway and Canal (Traffic) Act, 1854."

Applying other Interpretations of General Acts.

5. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Application of Funds.

6. The Company may apply to the Purposes which they are by this Act authorized to execute any Monies raised or to be raised by them by virtue of the Act of 1863, and not required for the Purposes to which those Monies are by that Act made specially applicable.

Power to issue Capital in Half Shares.

7. Subject to the Provisions of this Act, the Company, with the Authority of Three Fifths of the Votes of the Shareholders present (personally or by proxy) at a Meeting of the Company specially convened for the Purpose, may from Time to Time divide any Shares in their Capital under this Act or the Act of 1863 into Half Shares as herein-after mentioned.

Division of Half Shares into Two.

8. Of the Half Shares created under the Powers of this Act, One shall be called "Preferred Share" and the other shall be called "Deferred Share:" Provided always, that it shall not be lawful for the Company to divide any Share under the Authority of this Act unless and until Fifty *per Centum* upon each such Share has been paid up, and the whole of the said Fifty *per Centum* upon every such Division shall be carried to the Credit of the "Deferred Share."

Dividends on Half Shares.

9. From and after the Time when the Half Shares shall become entitled to Dividend, the Dividend which if such Half Shares had been created and issued as entire Shares would from Time to Time be payable thereon shall be applied in Payment of Dividends on the Two Half Shares substituted for the entire Share, as follows: The whole of the Interest and Dividends which shall accrue in each Year shall be applied in or towards Payment, in the first place, of Interest or Dividend after such Rate, not exceeding Five *per Centum per Annum*, as shall be determined by a General Meeting of the Company on the Amount paid up on the Half Share so denominated "Preferred Share," and the Remainder, if any, in Payment of Dividend on the "Deferred Share;" but no Dividend shall be paid upon any "Preferred

"Preferred Share," until the same shall have been fully paid up: Provided always, that the Company shall not pay any greater Amount of Dividend on the Two Half Shares than would have from Time to Time been payable on the entire Share if the same had been created and issued as an entire Share.

Priority of Dividends on Preferred Shares.

10. Each Preferred Half Share shall be entitled to the Dividend which may have been attached to it by the Company as aforesaid, out of the Profits of each Year, in priority to the Deferred Half Share bearing the same Number.

Preferred Shares entitled only to Dividends out of the Profits of the Year.

11. If in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of Dividend on any "Preferred Share" for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Half Shares to be registered and Certificates issued.

12. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and each Half Share shall bear the same Number as the Number of the entire Share Certificate in respect of which it is issued, and the Directors shall issue Certificates of the Half Shares accordingly, and shall cause an Entry to be made in the Register of the entire Shares of the Conversion thereof: Provided always, that the Directors shall not be bound to issue a Certificate of any Half Share until the Certificate of the existing Share be delivered to them to be cancelled, unless it be shown to their Satisfaction that the Certificate is destroyed or lost, and on any such Certificate being so delivered up the Directors shall cancel it.

Certificates of Shares to express Conditions.

13. The Terms and Conditions on which any "Preferred Share" or "Deferred Share" created under this Act is issued shall be stated on the Certificate of each such Share.

Half Shares to be Shares in Capital.

14. Except as is by this Act otherwise provided, the several Half Shares under this Act shall be Shares in the Capital of the Company, and all such Rights, Privileges, Liabilities, and Incidents shall attach and be incident to and be conferred by the Half Shares as to and by entire Shares.

Votes in respect of Half Shares.

15. All Half Shares held by the same Persons at the same Time shall confer Rights of Voting in proportion to the Number of Ten Pounds into which the Sum paid up on such Shares shall be capable of being divided: Provided always, that it shall be lawful for the Company on the Creation of such Half Shares to declare that the Holders of "Preferred Shares" shall not be entitled to vote in respect thereof.

16. If

Company may cancel unissued Shares and issue others instead.

16. If after having created any Shares or Stock under the Powers of the Company's Act of 1863, or this Act, the Company resolve not to issue the same or any Portion thereof, they may cancel such Shares or Stock to which such Resolution applies, and may from Time to Time thereafter create and issue in lieu thereof other new Shares or Stock not exceeding the aggregate Amount of the Shares or Stock so cancelled.

Receipt for Persons under Disability.

17. The Receipt of the Guardian of any Shareholder being a Minor, or the Committee of any Shareholder being an Idiot, Lunatic, or Person *non compos mentis*, shall be a sufficient Discharge to the Company for any Money payable to such Shareholder.

Power to take and use Lands for Works authorized by Act.

18. For the Purposes of the Railway and Works by this Act authorized, and for carrying this Act into execution, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as may be necessary for the Construction of the Railway and Works by this Act authorized.

Powers for compulsory Purchases limited.

19. 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.

Land for extraordinary Purposes.

20. The Company may from Time to Time purchase by Agreement, any Quantity of Land not exceeding in the whole Four Acres for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," incorporated with this Act.

Power to make Railway and Works authorized by Act.

21. Subject to the Provisions of this Act, the Company from Time to Time may make the Railway and Works by this Act authorized in the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and (so far as the Railway and Works are shown on the deposited Plans and Sections) may make the same in the Lines and in accordance with the Levels shown thereon: Provided that the Company shall not be empowered by this Act to make so much of the said Railway and Works as is situate between the Commencement at *Trecastle* shown on the deposited Plans and the Mark thereon to denote Seven Furlongs from such Commencement.

Description of Railway.

22. The Railway by this Act authorized is the following; (that is to say,) a Railway commencing in the Parish of *Llywell* in the County of *Brecon* by a Junction with the Railway authorized by the Act of 1863, at or near the Point marked Twelve Miles and Five Furlongs on the deposited Plans referred to in that Act, and terminating in the Parish of *Llandingat* in the County of *Carmarthen* by a Junction

a Junction with the Railway authorized by the Act of 1863, at or near a Point marked Eighteen Miles and Six Furlongs on the deposited Plans referred to in the said Act.

Level Crossings.

23. In constructing the Railway by this Act authorized, the Company may carry it with, while it consists of a single Line, not more than a single Line, and when it consists of Two Lines, not more than Two Lines of Way across and on the Level of the Roads following; (to wit,)

No. of Road on deposited Plans.	Parish or Place in which the Road is shown on those Plans.	Description of Road.
40	Parish of Mothvey - - -	Public Road.
24	Parish of Llanfair-ar-y-bryn - -	Public Road.

Inclination of certain Roads.

24. The Company may make the several Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (to wit,)

No. of Road on deposited Plans.	Parish or Place in which the Road is shown on those Plans.	Description of Road.	Intended Inclination.
95	Llywell - - -	Public - -	1 in 15
40	Mothvey - - -	Public - -	1 in 9

Dimensions of Bridge over Road.

25. The Company may make the Arch of the Bridge for carrying the Railway by this Act authorized over the Road numbered 10 in the Parish of *Mothvey* on the Plans deposited for the Purposes of this Act of any Height not less than Sixteen Feet, and of any Span not less than Twenty-five Feet.

Width of certain Road carried over the Railway.

26. In carrying the Road numbered 118A in the Parish of *Llywell* on the Plans deposited for Purposes of this Act over the Railway by this Act authorized, the Company may make and maintain the Bridge for carrying that Road over the said Railway of any Width between the Fences thereof not less than Fifteen Feet.

Level Crossing on authorized Railway.

27. In the Construction of the Railway authorized by the Act of 1863, the Company may carry the same, with not more than a double Line of Way, across and upon the Level of the public Road numbered 101 in the said Parish of *Defynnock* on the Plans deposited as aforesaid for the Purposes of the same Act: Provided that the Inclination

Inclination of the diverted Road, in connexion with such level Crossing shown on the Plans deposited for the Purposes of this Act, shall nowhere be steeper than One in Thirteen.

Abandonment of Part of authorized Railway.

28. The Company shall abandon and relinquish the Construction of so much of the Railway authorized by the Act of 1863 as is situate between the Points respectively marked Twelve Miles and Five Furlongs and Eighteen Miles and Six Furlongs upon the Plans referred to in the Act of 1863.

Compensation to be made where Contracts have been entered into or Notices given.

29. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company before purchasing any Lands which they were by the Act of 1863 empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, or any Part thereof, the Company shall not be bound to purchase the same, or specifically to perform any such Contract, but they shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, or other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Limiting Time for Completion of Works.

30. The Railway by this Act authorized shall be completed within Five Years from the passing of the Act of 1863, and upon the Expiration of that Period all the Powers by this Act granted for making the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Security for Completion of Railway within Time limited.

31. For the Purpose of securing the Completion of the Railway by this Act authorized within the Time hereby limited, Section 34. (Provision as to Money deposited) of the Act of 1863 shall apply and extend

extend to the Railway by this Act authorized, as if such Railway had been Part of the Railway authorized by the Act of 1863.

Power to take Tolls.

32. The Company may demand and take the same Tolls and Charges for the Use of the Railway by this Act authorized, and for Carriages, Trucks, and locomotive Power supplied by them, as they are authorized to demand and take by virtue of the Act of 1863, and as if the Railway by this Act authorized formed Part of the Railway authorized by the Act of 1863.

Running Powers of the Llanelly Railway and Dock Company confirmed and extended to the Deviation.

33. And whereas by the Fifty-fifth Section of the Act of 1863 certain Powers were conferred upon the *Llanelly* Railway and Dock Company of running over and using the Railway by that Act authorized, and the Stations, Buildings, Works, and Conveniences belonging thereto: Be it therefore enacted, That nothing in this Act contained shall be deemed to prejudice or affect any of the Powers contained in the said Fifty-fifth Section of the said Act with respect to the Part of the Railway thereby authorized, and not by this Act authorized to be relinquished, and all such Powers shall extend and apply to the Railway by this Act authorized, and the Stations, Booking Offices, Buildings, Platforms, Approaches, Water Engines, Water Supply, Signals, Signal Posts, Telegraphs, Works, and Conveniences belonging thereto, as if such Railway had been Part of the Railway authorized by "the Act, 1863;" and nothing in this Act contained shall prejudice or affect the Provisions of Section 17. of the "*Llanelly* Railway and Dock (Further Powers) Act, 1864," or any of the Rights, Powers, or Interests of the *Neath and Brecon* Railway Company now existing.

Traffic Arrangements.

34. The Company, the *Vale of Towy* Railway Company, the *Llanelly* Railway and Dock Company, or any of those Companies may from Time to Time enter into and carry into effect Contracts or Arrangements with respect to the following Purposes, or any of them, and any incidental Matters; (that is to say,)

The Use by any or either of the contracting Companies of all or any Part of the Railways and Works of the other or others of them, and of all or any of the Stations, Works, and Conveniences belonging thereto, and the Costs and Expenses thereof;

The Regulation, Management, and Transmission by any or either of the contracting Companies of the whole or any Part of the Traffic thereon;

The fixing, Collection, Payment, Division, Appropriation, and Distribution of the Tolls and other Income arising from such Railways and Works;

The Rents, Payments, Deductions, and Allowances to be made or paid by any or either of the contracting Companies to or for any other or others of them;

And

And any such Contract or Agreement may be made for the same Period of Time with reference to all the Purposes of the Contract, or for different Periods with reference to different Purposes.

Tolls may be taken by other Companies subject to Working Agreements.

35. If under the Provisions of this Act, or of "The Railways Clauses Consolidation Act, 1845," or any Contract or Agreement authorized by this Act, the Company agree with any other Company for the Use, by any such other Company of the Railway by this Act authorized, then and in such Case during such Contract or Agreement Tolls and Charges, not exceeding such as are authorized by this Act, may be demanded and taken by such other Company upon or in respect of the said Railway in accordance with the Terms and Stipulations of such Contract or Agreement, and such Tolls and Charges, or any agreed proportionate Part thereof, shall be paid over to the Company, or be retained by such other Company for their own Use or Benefit, subject to such Deductions, Payments, or Liabilities as may be provided for in such Contract or Agreement.

Tolls during Contracts.

36. If and while under any such Contract the Railway authorized by this Act shall be worked by any other Company, that Railway shall for the Purposes of Tolls and Charges be deemed Part of the Railway of the Company by which the Railway by this Act authorized shall be so worked, and to form with the Railway of such Company One continuous Line of Railway; and in estimating the Tolls and Charges to be taken in respect of Traffic conveyed under the Contract partly on the Railway by this Act authorized and partly on the Railway of any other Company for a less Distance than Three Miles, Tolls and Charges may only be charged as for Three Miles; and for each Mile or Fraction of a Mile beyond Three Miles, as for One Mile only in respect of Passengers; and for each entire Mile beyond Three Miles, as for One Mile only in respect of Animals, Minerals, and Goods; and for each Fraction of a Mile beyond Three Miles Tolls and Charges may be taken for Animals, Minerals, and Goods in proportion to the Number of Quarters of a Mile contained therein, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile.

Interest or Dividend not to be paid on Calls paid up.

37. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of

Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

38. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, to 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.

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

39. Nothing in this Act contained shall exempt the Railways by this Act authorized to be made 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels by this Act respectively authorized.

Expenses of Act.

40. All Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act, or otherwise in relation or preliminary thereto, shall be paid by the Company.

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