ANNO VICESIMO OCTAVO & VICESIMO NONO

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Cap. cccxxvi.

An Act to confer further Powers upon the *Carnarvon and Llanberis* Railway Company, and for other Purposes. [5th *July* 1865.]

WHEREAS by "The *Carnarvan and Llanberis* Railway Act, 1864," the *Carnarvon and Llanberis* Railway Company were incorporated for the making of a Railway from *Carnarvon* to *Llanberis* in the County of *Carnarvon*, and the Company are proceeding to make the said Railway: And whereas the Extension thereof in *Carnarvon* to the *Bangor* and *Carnarvon* Line of the *London and North-western* Railway, and the Construction of a Branch Railway into the *Bettws Garmon Valley*, would be beneficial to the Company and to the Public, and the Company are willing so to extend their Railway and to make the said Branch Railway: And whereas Plans and Sections of the proposed Railways, with Books of Reference to the Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the said County: And whereas it is expedient that the Powers hereinafter contained should be conferred upon the Company on the one

27 & 28 Vict. c. clxxxvi.

hand and the *Nantlle* Railway Company and the *London and North-western* Railway Company on the other hand: And whereas the Objects aforesaid cannot be accomplished 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 *Carnarvon and Llanberis* Railway Extension Act, 1865."

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

2. "The Railways Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Parts I. and III. of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. The following Words and Expressions shall in this Act have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Company" shall mean the *Carnarvon and Llanberis* Railway Company:

The Expression "the Railways" shall mean the Railways and the Works connected therewith respectively by this Act authorized to be constructed.

Same Meanings to Words, &c. in incorporated Acts as in this Act.

4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Power to create new Shares.

5. The Company may from Time to Time raise, for the Purposes of this Act, any Sum not exceeding in the whole One hundred and thirty-eight thousand Pounds by the Creation and Issue of new Ordinary Shares, which Shares shall form Part of the general Capital of the Company.

Shares not to issue until One Fifth paid up.

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

7. The

Limiting the Amount and Number of Calls.

7. The Amount of any One Call to be made upon the Shares created under the Powers of this Act shall not exceed One Fourth of the Amount of such Shares, and there shall be an Interval of Two Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year.

Votes of Proprietors of new Shares.

8. The Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the Company.

Power to borrow on Mortgage.

9. The Company may from Time to Time, under the Powers of this Act, borrow on Mortgage, beyond the Sum now authorized to be borrowed by them, any additional Sum of Money not exceeding Forty-six thousand Pounds; but no Part of that Sum shall be borrowed until the whole of the additional Capital by this Act authorized to be raised by new Shares is *bonâ fide* subscribed for or taken, and One Half thereof is paid up, and until the Company shall prove to the Justice who is to certify, under the 40th Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such additional Capital has been subscribed for or taken *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers and their Assigns are legally liable for the same, and that all the Shares have been issued, and One Half of the additional Capital has been paid up, and Twenty *per Centum* at least paid up on each separate Share; of which Proofs having been given the Certificate of such Justice under that Section shall be sufficient Evidence.

Existing Mortgages to have Priority.

10. Provided always, That all Mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages have Priority over any Mortgages to be created by virtue of this Act.

Application of Sums raised under this Act.

11. All and every Part of the Monies which the Company are by this Act authorized to raise by new Shares or Mortgage shall be applied only to the Purposes authorized by this Act.

Parts of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

12. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," "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 Means of enforcing the Payment of Calls," "with respect to the Forfeiture

Forfeiture of Shares for Nonpayment of Calls," "with respect to the Remedies of Creditors of the Company against the Shareholders," "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 Shares into Stock," and "with respect to affording Access to the Special Act by all Parties interested," and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall be incorporated with this Act, and shall apply to all Shares created and to Mortgages granted and Monies borrowed under the Powers of this Act.

Company may apply their Funds towards Purposes of Act.

13. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their authorized Undertaking.

Power to increase the Number of Directors.

14. It shall be lawful for the Company from Time to Time to increase the Number of Directors, provided that their Number when increased shall not be more than Seven.

Lands to be bought in Three Years.

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

Power to make Railways according to deposited Plans.

16. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown on the said Sections; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing new Lines of Railway.

17. The Railways hereby authorized (which will be wholly in the County of *Carnarvon*) are the following:

1. A Railway, commencing by a Junction with the authorized Line of the *Carnarvon and Llanberis* Railway in a Field in the Parish of *Llanbeblig*, numbered 36 upon the deposited Plans referred to in "The *Carnarvon and Llanberis* Railway Act, 1864," and terminating by a Junction with the *Bangor and Carnarvon* Line of the *London and North-western* Railway at a Point about Fourteen Feet Southward of the South End of the Passenger Platform of the *Carnarvon* Station:

2. A Railway commencing by a Junction with the authorized Line of the *Carnarvon and Llanberis* Railway in a Field in the Parish

Parish of *Llanrug* numbered 98 upon the deposited Plans referred to in the said Act, and terminating in the Parish of *Beddgelert* at or near an old Slate Quarry Trial Tip in a Field called *Cae Gloddfa*, belonging to the Trustees of the late *Assheton Smith*, and in the Occupation of *Richard Evans*.

Level Crossing.

18. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," and "The Railways Clauses Act, 1863," contained, it shall be lawful for the Company, in the Construction of the Railway firstly herein-before described, to carry the same across and upon the Level of the public Road in the Parish of *Llanbeblig* numbered 334 on the deposited Plans, but no more than a Single Line of Railway shall be laid down on such level Crossing so long as the Railway shall consist of a Single Line of Railway, and in no Case shall more than a Double Line of Railway be laid down on such level Crossing.

Period for Completion of Railways.

19. The Railways shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers of this Act granted to the Company for making the Railways or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Gauge of Railway.

20. The Company may construct the Railway secondly herein-before described upon the Gauge of Two Feet Six Inches or Four Feet Eight Inches and a-Half.

Act not to interfere with Construction of Nantlle Railway.

21. Provided always, That none of the Powers by this Act conferred upon the Company shall be exercised so as in anywise to interfere with the existing Railway of the *Nantlle* Railway Company.

As to exercise of concurrent Powers with Nantlle Railway Company.

22. Where any of the Powers by this Act conferred upon the Company may clash with any of the Powers which are or may be conferred by any Act of the present Session upon the *Nantlle* Railway Company, and any Dispute thereon shall arise between the Two Companies, the same shall be from Time to Time referred to and determined by an Arbitrator to be appointed as herein-after provided.

Company to pay all Damages sustained by Nantlle

23. Notwithstanding anything in this Act contained, the Company shall be responsible for and make good to the *Nantlle* Railway Company all Costs, Losses, Damages, and Expenses, if any, which may

Railway Company.

may be occasioned to their Railway or to the Traffic thereon, or to any Person or Persons using the same, or otherwise, by reason of the Execution or Failure of any of the Works by this Act authorized, or of any Act or Omission of the Company or of any of the Persons in their Employ, or of their Contractors or others, in carrying the Powers of this Act into execution, and the Company shall effectually indemnify and hold harmless the *Nantlle* Railway Company from all Claims and Demands upon or against them by reason of such Execution or Failure, and of any such Act or Omission.

Traffic on the Nantlle Railway not to be interfered with.

24. The Company shall not in the Exercise of any of the Powers of this Act alter or necessitate the Alteration of the Line or Levels of the existing *Nantlle* Railway, or in any Manner obstruct, hinder, or interfere with the free, uninterrupted, and safe Use of that Railway, or the Stations and Approaches connected therewith; and if at any Time or Times hereafter the free, uninterrupted, and safe Use of that Railway, or the Stations and Approaches connected therewith, shall be obstructed, hindered, or interfered with, contrary to this Enactment, the Company shall forfeit and pay to the *Nantlle* Railway Company the Sum of Fifty Pounds *per* Day by way of ascertained Damages for every Day during which such Obstruction, Hindrance, or Interference shall continue.

For Settlement of Disputes between the Two Companies.

25. If any Dispute shall at any Time arise between the Company and the *Nantlle* Railway Company in reference to any of the Matters provided for by this Act, or anything to be done thereunder, the same shall from Time to Time be settled by an Arbitrator to be appointed by the Board of Trade, upon the Application of either of the Companies, in the event of either of the Parties not agreeing upon such Arbitrator; and such Arbitrator shall forthwith proceed with such Arbitration; and in case of Default on the Part of either Company, the Arbitrator may proceed in the Absence of the defaulting Company; and such Arbitrator shall have Power to order such Arrangements and Remedies as he may think right for securing the due Fulfilment of the Provisions contained in this Act; and the Decision of such Arbitrator shall be binding and conclusive on the Parties; and the Costs and Expenses of such Arbitration shall be defrayed as the Arbitrator shall direct; and either of the Companies who shall refuse or neglect to perform or observe and conform to any Decision given or Regulation made by any such Arbitrator in the Premises shall forfeit and pay to the other Company, as the Arbitrator shall determine, any Sum not exceeding Twenty Pounds for every Day during which such Refusal or Neglect shall continue.

26. Pro-

Saving Rights of the Nantlle Railway Company.

26. Provided always, That, except as is by this Act expressly provided, this Act or anything herein contained shall not take away, diminish, alter, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *Nantlle* Railway Company.

Money deposited with Court of Chancery to be forfeited in a certain Event.

27. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Eleven thousand and forty Pounds has been deposited, pursuant to the said Act, in respect of the Application to Parliament for this Act, being Eight *per Centum* upon One hundred and thirty-eight thousand Pounds, the estimated Cost of the Railways: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Eleven thousand and forty 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 Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways, either open the Railways 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 Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of 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 Railways for public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of 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 Eleven thousand and forty Pounds shall have been executed by the 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 Eleven thousand

thousand and forty Pounds if the Company shall not, within the Time limited for the Completion of the Railways, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, 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 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 Interest 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 Solicitor to the said Lords Commisioners 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.

Railways as to Tolls and otherwise to form Part of Company's Undertaking.

28. The Company may demand and receive for and in respect of the Railways the same Tolls and Charges as they are now authorized to receive in respect of their authorized Undertaking; and the Railways shall, for the Purposes of Tolls and in all other respects (except as by this Act is otherwise provided), be deemed Part of the *Carnarvon and Llanberis* Railway, as if they had been authorized by the recited Act.

Power to enter into Traffic Arrangements.

29. The Company on the one hand and the said *Nantlle* and *London and North-western* Railway Companies, or either of those Companies, on the other hand, may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes or any of them; (that is to say,)

The Use, Working, Management, Maintenance, and Repair of the Railways, and the Collection, Conveyance, and Conduct of the Traffic thereof, and the Supply of any Rolling or Working Stock, or of any Officers or Servants required for such Purposes:

The fixing and levying of the Tolls, Rates, and Charges arising on the Railways:

The

The Carnarvon and Llanberis Railway Extension Act, 1865.

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 such Traffic.

Interest on Calls not to be paid out of Capital.

30. It shall not be lawful for the Company, out of any Money by this Act or by any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the 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-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

31. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 to execute any other Work or Undertaking.

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

32. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company, or the Company, from the Provisions of any General Act relative 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 maximum Rates of Fares and Charges authorized to be taken by the Company, or of the Rates for small Parcels.

Saving Rights of the Crown.

33. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights, of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous 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

obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time 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 applying for, obtaining, and passing this Act, or preparatory or incidental thereto, shall be paid by the Company out of the Monies by this Act authorized to be raised.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.