CHAP. cxli.

An Act for enabling the Festiniog Railway Company to widen and improve their railway, and to raise further money; and for other purposes. [26th July 1869.]

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WHEREAS an Act was passed in the second year of the reign of His Majesty King William the Fourth, intituled "An Act for "making and maintaining a railway or tramroad from a certain "quay at Portmadock in the parish of Ynys-cynhaiarn in the "county of Carnarvon to certain slate quarries called Rhiw-bryfder "and Dyffws in the parish of Festiniog in the county of Merioneth," by which Act (which is in this Act called "the Act of 1832") the Festiniog Railway Company (in this Act called "the company") were incorporated, and were authorized to construct the Festiniog Railway from on or near a certain shipping quay at Portmadock in the parish of Ynys-cynhaiarn in the county of Carnarvon to and terminating at or near the Rhiw-bryfder and Dyffws slate quarries in the parish of Festiniog in the county of Merioneth, and were empowered to raise the sum of twenty-four thousand one hundred and eighty-five pounds ten shillings, to be divided into shares of twenty-five pounds each, and to borrow on mortgage the further sum of ten thousand pounds, and the company accordingly constructed the Festiniog Railway with a single line of rails: 2 & 3 W. 4. c. xlviii.

And whereas by an Act passed in the first and second years of the reign of Her present Majesty, intituled "An Act for granting further "powers to the Festiniog Railway Company" (which Act is in this Act called "the Act of 1838"), the company were empowered to raise the further sum of twelve thousand pounds in shares of twenty-five pounds each, and to borrow the further sum of four thousand pounds: 1 & 2 Vict. c. xxx.

And whereas it is expedient that the company be authorized to widen and improve their railway, and to lay down additional rails thereon:

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And whereas it is expedient that the company be authorized to make and maintain the branch railway in the parish of Llanfihangel-y-Traethau and county of Merioneth herein-after described, and also a short junction railway to connect their Duffws branch line with their main line to Rhiw-bryfdir:

And whereas it is expedient that the company be authorized to take and appropriate the waters of certain streams or brooks in the parishes of Festiniog and Llandecwyn, and for that purpose to make, lay down, and maintain the aqueducts, conduits, or lines of pipes in this Act in that behalf mentioned:

And whereas it is expedient that the company be authorized to raise further monies for the several purposes of this Act:

And whereas the company have raised and expended the whole of the sums of twenty-four thousand one hundred and eighty-five pounds ten shillings and twelve thousand pounds which by the Acts of 1832 and 1838 they were authorized to raise by shares, and the share capital of the company now consists of one thousand four hundred and forty-seven shares of twenty-five pounds each, and one share of ten pounds ten shillings:

And whereas the company have borrowed the sum of ten thousand pounds which by the Act of 1832 they were authorized to borrow on mortgage, and have also borrowed three thousand five hundred pounds, part of the sum of four thousand pounds which by the Act of 1838 they were authorized to borrow on mortgage, but of the sums so borrowed the company have paid off, out of their divisible profits, the sum of eight thousand three hundred and thirty pounds, and there is now owing from the company upon mortgage the sum of five thousand one hundred and seventy pounds, and no more:

And whereas the company have from time to time, in order to meet the growing wants of their traffic, been under the necessity of excuting expensive works for improving and strengthening their railway, and for converting the same into a line for the passage of locomotives and the conveyance of passengers, and have also expended large sums in constructing and providing locomotives and additional rolling stock:

And whereas since the passing of the Act of 1838 no further powers of raising money have been conferred upon the company, and the company have provided the funds necessary for the works and matters aforesaid out of their divisible profits, and have expended for those purposes out of such profits the sum of fifty thousand pounds and upwards, and it is expedient that the said sum of fifty thousand pounds should be capitalized, and the capital representing the same divided amongst the present holders of the company's shares:

And whereas by the Act of 1832 it was provided (section 118) that the company should pay to the proprietor or proprietors for the time being of the Traethmawr Embankment (over part of which the Festiniog Railway passes), or to the beneficial occupier or occupiers, receiver or receivers, for the time being, of the tolls arising or payable in respect of such embankment, the sum of one penny halfpenny per ton for all slates, of whatever description, carried upon the Festiniog Railway over or upon the said embankment:

And whereas by the Act of 1832 (after reciting, amongst other things, that William John Bankes, Esquire, claimed to be entitled to certain dues or payments for or in respect of the carriage of slates and goods in and by a cart or carriage road through his estates,) it was enacted (section 149) that the sum of one penny per ton should be payable and paid to the said William John Bankes, his heirs, executors, administrators, or assigns, in respect of every ton weight carried or conveyed upon or along the said railway or tramroad in respect of which the company or their lessee or lessees should receive or be entitled to receive the rates, tolls, or duties in the Act before mentioned:

And whereas it is expedient that the company should be empowered to compound for the tolls or sums of one penny halfpenny and one penny respectively so payable, by agreement with the person or persons for the time being entitled to the same:

And whereas it is expedient that the Act of 1832 (except certain provisions thereof in this Act specially mentioned) and the Act of 1838 should be repealed, and that the provisions of the general Acts relating to railway companies and to railways should be made applicable to the company and their undertaking, and that such further provision should be made in respect to the undertaking of the company as in this Act is contained:

And whereas plans and sections of the works by this Act authorized, showing the situation and levels thereof, with a book of reference to the plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands through and upon which such works are intended to be made, have been deposited at the offices of the respective clerks of the peace for the counties of Carnarvon and Merioneth, and are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects aforesaid cannot be attained 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,

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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 all purposes as "The Festiniog Railway Act, 1869."

8 & 9 Vict. cc. 16. 18. and 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. and 118. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," 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," "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) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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; and in this Act, and any Act wholly or partially incorporated herewith, the expression "the railway" means as well the Festiniog Railway as by this Act authorized to be widened, enlarged, deviated, and altered, as the additional railways by this Act authorized to be made; the words "share" and "shareholder" include respectively "stock" and "stockholder;" and the expression "superior courts," or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

Commencement of Act.

4. This Act shall commence and have effect on and from the fourth Wednesday next after the passing thereof.

Recited Acts repealed.

5. The Act of 1832 (except the provisions thereof set forth in the schedule to this Act) and the Act of 1838 are on the commencement (but subject to the provisions of this Act) by this Act repealed.

Company to continue incorporated.

6. Notwithstanding the repeal of the recited Acts, the company shall for the purposes of this Act continue to exist, and accordingly, and as from the passing of the Act of 1832, without intermission shall continue to be one body corporate, by the name of "The Festiniog Railway Company," with perpetual succession and a common seal, and may sue and be sued and with power to purchase, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Act.

Company to continue entitled to

7. Notwithstanding the repeal of the recited Acts, the company shall for the purposes of this Act continue and be seised, possessed,

and entitled of and to the railway, works, and conveniences, lands, buildings, estates, easements, plant, stock, shares, monies, property, effects, choses in action, claims, and demands whatsoever, of or to which immediately before the commencement of this Act they were, by virtue of the recited Acts or otherwise howsoever, seised, possessed, or in any way entitled, at law or in equity, or otherwise howsoever, with the appurtenances.

their property.

8. Notwithstanding the repeal of the recited Acts, and except only as is by this Act otherwise expressly provided, everything before the commencement of this Act done, suffered, and confirmed respectively under or by virtue of the repealed Acts or either of them shall be as valid and as effectual, both for and against and with respect to the company, as if the repeal had not happened; and the repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, both present and future, which, if the repeal had not happened, would be incident to and consequent on any and every thing so done, suffered, and confirmed respectively; provided that the generality of this provision shall not be restricted by any other of the sections and provisions of this Act.

General saving of rights under repealed Acts.

9. Notwithstanding the repeal of the recited Acts, all the provisions of any and every Act of Parliament (other than the repealed Acts) relating to the company and their officers and servants respectively, and on the commencement of this Act in force, shall be of the like force as if the repeal had not happened, and may be exercised, enforced, and enjoyed by and against the company and their directors, officers, and servants respectively, accordingly.

Provisions of other Acts continued.

10. Notwithstanding the repeal of the recited Acts, and except only as is by this Act otherwise provided, all purchases, sales, conveyances, securities, and contracts before the commencement of this Act made under the repealed Acts, or with reference to the purposes thereof, shall be effectual to all intents for, against, and with reference to the company, and may be proceeded on and enforced accordingly: Provided always, that no such contract shall have any greater force or validity than it would have had if this Act had not passed.

Contracts, &c. preserved.

11. Notwithstanding the repeal of the recited Acts, any action, suit, prosecution, or other proceeding commenced either or against the company before the commencement of this Act shall not abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, both in favour of and against

Actions, &c. not to abate, &c.

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the company, in the same manner to all intents as if the repeal had not happened.

Debts, &c. to be paid.

12. Notwithstanding the repeal of the recited Acts, all persons who immediately before the commencement of this Act owed any money to the company under the recited Acts, or to any person on their behalf, shall pay the same, with all interest (if any) due and payable or accruing for the same, to the company; and all monies which immediately before the commencement of this Act were owing by or recoverable from the company under the recited Acts, or for the payment of which they were or but for this Act would be liable, shall, with all interest (if any) due and payable or accruing for the same, be paid by or be recoverable from the company.

Tolls, &c. to be paid.

13. Notwithstanding the repeal of the recited Acts, all tolls, fares, rates, or charges immediately before the commencement of this Act due and payable or accruing to the company shall be payable to and may be collected and recovered by the company in like manner as any tolls, rates, fares, or charges under this Act.

Certificates, &c. of shares to remain.

14. Notwithstanding the repeal of the recited Acts, all certificates, sales, transfers, and dispositions before the commencement of this Act made or executed under the recited Acts of or with respect to any shares or stock shall, for the purposes of this Act, remain in full force and continue and be available in all respects.

Resolutions, &c. continued.

15. Notwithstanding the repeal of the recited Acts, all resolutions, orders, and proceedings of general or special general meetings of the company held or to be held before the commencement of this Act shall, unless and until the same be repealed or altered under this Act, continue in full force and be binding on the company and their officers and servants accordingly.

Byelaws continued for six months.

16. Notwithstanding the repeal of the recited Acts, all byelaws of the company at the commencement of this Act in force shall, for the purposes of this Act, but (unless sooner re-enacted under this Act) not longer than six months after the commencement of this Act, continue of full force as if the repeal had not happened, and the byelaws may be enforced, and all proceedings thereon may be continued or taken, and all penalties thereunder may be recovered accordingly.

Books, &c. continued evidence.

17. Notwithstanding the repeal of the recited Acts, all documents, books, and writings by the recited Acts directed or authorized to be kept, and which, if the repeal had not happened, would be receivable in evidence, shall be admitted in evidence in all courts of law and equity and elsewhere accordingly.

Officers continued.

18. Notwithstanding the repeal of the recited Acts, every officer and servant appointed by virtue of or acting under the recited Acts shall hold and enjoy his office and employment with the salary thereunto annexed, and be deemed an officer and servant of the company, until he die, resign, or be removed from the office and employment, and he shall have the like power and authority for the purposes of this Act, and be subject to the like power of removal, regulations, pains, and penalties, as if he were appointed under this Act.

First and other meetings.

19. The first ordinary meeting of the company after the commencement of this Act shall be held within three months after the commencement of this Act, and the subsequent ordinary meetings of the company shall be held half-yearly in the months of January and July or in such other months as shall be from time to time determined by an extraordinary general meeting of the company.

Quorum for general meeting.

20. The quorum for any general meeting of the company shall be five persons representing, in their own right or as proxies, in the aggregate, shares of the capital to the nominal amount of at least five thousand pounds.

Votes of share and stock holders.

21. Every holder of a share or shares or stock of the capital of the company shall be entitled at all general meetings of the company to one vote for each share, or, as the case may be, for each sum of twenty-five pounds stock held by him.

Number of directors.

22. The number of directors shall be five, but the company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

23. The qualification of a director shall be the possession in his own right of shares or stock of the capital of the company to the aggregate nominal amount of at least five hundred pounds.

Quorum.

24. The quorum of a meeting of directors shall be three, unless the number of directors be reduced to three, in which case the quorum shall be two.

First directors.

25. Andrew Durham, Charles Gaussen, George Augustus Huddart, John Graves Livingston, and Livingston Thompson shall be the first directors of the company, and shall remain in office until the first ordinary meeting held after the commencement of this Act; at that meeting the shareholders and holders of stock present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every

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year after the first ordinary meeting the shareholders and holders of stock present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the said Act.

Conversion of existing share capital into stock.

26. Upon the commencement of this Act the existing share capital of the company, amounting to thirty-six thousand one hundred and eighty-five pounds ten shillings, is by this Act converted into capital stock of the like amount, and the sections of "The Companies Clauses Consolidation Act, 1845," numbered 62, 63, and 64, shall apply to the said sum of thirty-six thousand one hundred and eighty-five pounds ten shillings stock.

Defining capital of company.

27. From and after the commencement of this Act the capital of the company shall be one hundred and seventy-six thousand one hundred and eighty-five pounds and ten shillings, and shall consist of

1. The capital stock representing the existing share capital of the company, and amounting to thirty-six thousand one hundred and eighty-five pounds ten shillings as aforesaid:
2. Additional capital stock of the amount of fifty thousand pounds which shall be deemed to be fully paid up:
3. The additional share capital of ninety thousand pounds by this Act authorized to be raised.

Appropriation of capital stock.

28. Upon the commencement of this Act the capital stock of the company, amounting in the whole to eighty-six thousand one hundred and eighty-five pounds and ten shillings as aforesaid, is by this Act appropriated to and vested in the several persons who immediately before the passing of this Act were the holders of the existing capital of the company in proportion to their respective holdings of that capital.

Stock appropriated to be subject to the same trusts, &c. as existing shares.

29. Every portion of stock appropriated and vested by this Act as aforesaid shall be subject and liable to the same trusts, powers, provisoes, declarations, agreements, charges, liens, and incumbrances as immediately before the commencement of this Act affected the share or shares of the capital of the company in respect of which such portion of stock is so appropriated and vested, and so as to give effect to and not revoke any testamentary disposition of or affecting such share.

Company may call in and cancel

30. The company, from time to time when thereunto required, shall issue to the respective holders of the several portions of stock

by this Act appropriated and vested as aforesaid certificates of the stock so appropriated and vested, and in the meantime the certificates of the shares of the capital of the company in respect of which the said portions of stock are so appropriated and vested shall be available for evidencing the ownership of those portions of stock respectively: Provided always, that the company shall not be bound to issue any such certificate of stock unless or until the certificate or certificates of the shares of the capital of the company in respect of which the stock is appropriated and vested has or have been produced to the company, or it has been proved to the satisfaction of the directors of the company that such share certificate or certificates has or have been lost or destroyed.

existing share certificates, and issue new certificates in lieu thereof.

31. The several holders of capital stock of the company shall be entitled to participate in the dividends and profits of the company, and to the same privileges and advantages for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as if the stock had been formed by the conversion or consolidation into stock of fully paid up shares of the capital of the company.

Rights of stock-holders.

32. Where any money is payable to a shareholder being an infant or a lunatic, the receipt of his guardian or of the committee of his estate (as the case may be) shall be a sufficient discharge to the company for the same.

Receipts of guardians, &c.

33. It shall be lawful for the company, from time to time, with the consent of three fourths of the votes of the shareholders present in person or by proxy at any general meeting or meetings specially convened for the purpose, to raise, by the creation and issue of new ordinary and preference shares, or (at the option of the company) by either of those modes, such further sum or sums as they may think proper, not exceeding in the whole the sum of ninety thousand pounds.

Power to raise additional capital.

34. The company shall not issue any share created under the authority of this Act, nor shall any share vest in the person 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.

Shares not to issue until one fifth paid up.

35. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

36. The company may from time to time after the passing of this Act borrow on mortgage any sum or sums not exceeding in the

Power to borrow on mortgage.

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whole (including the sum of five thousand one hundred and seventy pounds now owing by them on mortgage) twelve thousand pounds, and the company may also from time to time borrow on mortgage any further sum or sums not exceeding in the whole thirty thousand pounds; but no part of that further sum of thirty thousand pounds shall be borrowed until the whole additional capital of ninety thousand pounds by this Act authorized is subscribed for, issued, and accepted, and one half thereof is paid up, and the company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of such additional capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such additional capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable to for the same; and upon production to such justice of the books of the company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

37. The mortgagees of the company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, by the appointment of a receiver; and in order to authorize the appointment of a receiver in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than five thousand pounds in the whole.

Debenture stock.

38. The company may create and issue debenture stock.

Application of monies.

39. All monies raised by this Act, whether by shares or by stock or by borrowing, shall be applied only for the purposes of this Act.

Power to widen, &c. existing railway.

40. Subject to the provisions of this Act, the company may widen, enlarge, deviate, alter, and maintain in the line and according to the levels in that behalf shown upon the deposited plans and sections, and may lay down and maintain, all such additional lines of railway and sidings as they think fit upon their existing railway throughout its entire length, together with all necessary 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, and may also, subject as aforesaid, widen

or otherwise alter all existing bridges and viaducts within the limits shown upon the said plans and sections respectively.

Company not to take more of Traethmawr Embankment than necessary.

41. The company shall not take more of the Traethmawr Embankment than is absolutely necessary for laying down an additional line of rails upon the gauge authorized by this Act, without the consent in writing of the owners of the said estate.

As to application to substitute an opening bridge for a fixed bridge.

42. If the owners of the estate shall at any time desire to substitute an opening bridge for the present fixed bridge at Old Sluice, and shall apply to Parliament for power to do so, the company shall not oppose such application.

No buildings, &c. to be erected on embankment.

43. No wharf, building, or other erection, nor any other work, of whatever description, (save and except the additional line of railway by this Act authorized,) shall be erected or made, under the authority of this Act, upon the said embankment, or any part thereof.

Limiting interference with the embankment.

44. It shall not be lawful for the company, in constructing the said railway over or upon the said embankment, or for any of the purposes of this Act, to take or use, or to remove or displace, any of the stones, gravel, timber, piles, or other materials from the foundation, or from either side of the said embankment, or from any other part or parts of such embankment, except only such part of the surface thereof as shall be necessary to be used, displaced, or removed in order to the said railway being laid upon such surface, and to the construction of the wall by this Act required to be erected on the said embankment; and no greater portion of such surface shall be displaced or used in laying down such railway than one foot in depth, nor shall the height of the said embankment from its present base be diminished without the previous consent in writing of the proprietor or proprietors of the said embankment first had and obtained.

Width of public roads, &c. between certain points not to be contracted.

45. Between (1) the company's old weighing office numbered on the deposited plans 30 in the parish of Ynyscynhaiarn and the eastern end of the Rhiw-brifder Slate Company's wharf, and (2) the building numbered on the deposited plans 10 in the said parish of Ynyscynhaiarn and the commencement of the company's railway, the company shall not permanently contract the width of or impede any part of any street, road, public footpath, or highway, without the consent in writing of the Ynyscynhaiarn Local Government Board of Health.

As to fencing off streets.

46. The company shall, when and so soon as they shall be required by the local board, and at the expense of the company, erect and for ever after maintain a good and substantial fence, to be approved of by the local board, for effectually fencing off the said streets, roads, public footpaths, and highways from the railway

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of the company; and in the erection of such fence the company shall leave such gates and approaches as shall be required by the local board for affording free passage, when any public right of passage exists, over the railway of the company for horses, carriages, vehicles, and persons.

Power to make new branch railways.

47. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels in that behalf shown upon the deposited plans and sections, the railways herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorized by this Act are—

First, a branch railway, two furlongs and seventy-five links in length, wholly in the parish of Llanfihangel-y-Traethau and county of Merioneth, commencing by a junction with the company's existing railway near the Minffordd level crossing, and terminating near the bridge by which the company's railway is carried over the Cambrian Railway:

Secondly, a short junction railway, seven chains and seventy links in length, wholly in the parish of Festiniog and county of Merioneth, to connect the company's Duffws branch with their main line to Rhiwbryfdir.

Wall to be constructed between railway and road on Traethmawr Embankment.

48. The company shall, within twelve months after the passing of this Act, cause to be constructed a wall or parapet of not less than three feet in height along the whole length of the Traethmawr Embankment, and dividing the railway from the roadway on the said embankment.

Power to cross certain roads on the level.

49. Subject to the provisions in "The Railways Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of roads on the level, the company may, in the construction of the works by this Act authorized, carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of railway only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited plan.	Parish.	Description of road.
85	Llanfihangel-y-Traethau -	Public carriage road.
85A	Llanfihangel-y-Traethau -	Public carriage road.
122 and 141	Llanfihangel-y-Traethau -	Public carriage road.

Mode of crossing certain roads.

50. The company shall, in accordance with the provisions of "The Railways Clauses Consolidation Act, 1845," carry the public turnpike road in the parish of Festiniog, numbered 598 on the deposited plan, over their line of railway by a bridge with proper approaches, and also shall by a bridge carry their line of railway over the public turnpike road in the parish of Llanfihangel-y-Traethau, numbered 55 on the said plan.

Height and span of bridge.

51. The company may make the arches of any bridge for carrying the works by this Act authorized over any road already crossed by the existing railway of the company of any heights and spans not less than the heights and spans of the bridges by which the existing railway of the company is carried over the road.

Notice to be given of taking houses of labouring classes.

52. The company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the company have made known their intention to take the same in manner herein-before required.

As to lands which the Croesor and Portmadoc Railway Company have power to take.

53. And whereas the Croesor and Portmadoc Railway Company have power to take and use certain of the lands in the parish of Ynyscynhairn, which by this Act the company are authorized to take and use: Therefore, unless the Croesor and Portmadoc Railway Company and the company otherwise agree, all questions between the two companies as to the taking of such lands and the payments for the same, and the ownership and user thereof when taken, and as to the construction of the works of the two companies, or of either of them, over such lands or any part thereof, and all incidental matters, shall be determined in manner provided by "The Railway Companies Arbitration Act, 1859."

Gauge of railway.

54. The gauge of the railway shall be one foot eleven inches and three quarters of an inch.

Lands for extraordinary purposes.

55. The quantity of land to be taken by the company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Power to make aqueducts and take waters of certain streams.

56. Subject to the provisions of this Act, the company may make, lay down, and maintain in the line and according to the levels in that behalf shown on the deposited plans the aqueducts, conduits, or lines of pipes herein-after described, and may enter upon,

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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 aqueducts, conduits, or lines of pipes hereinbefore referred to and authorized by this Act are—

First, an aqueduct, conduit, or line of pipes wholly in the parish of Festiniog and county of Merioneth, commencing in and out of the stream or brook which runs through and adjoins certain farm lands called or known as "Criau," in the occupation of Griffith Jones, and terminating at a point on the Festiniog Railway about three hundred and thirty yards eastward from the iron bridge which carries the railway over the turnpike road leading from Tan-y-Bwlch to Beddgelert:

Secondly, an aqueduct, conduit, or line of pipes (the internal diameter of which shall not exceed one inch and a half) wholly in the said parish of Festiniog, commencing in and out of the stream or brook which runs at about forty yards distance from and south-west of the company's railway station at Duffws, and terminating about one hundred and thirty yards east of the passenger booking office at that station:

Thirdly, an aqueduct, conduit, or line of pipes (the internal diameter of which shall not exceed one inch and a half) wholly in the parish of Llandecwyn aforesaid, commencing in and out of the stream or brook which passes under the company's railway about four hundred and forty yards west of the company's station office at Rhiwgoch, and terminating about one hundred and twenty-six yards east of the said station office at Rhiwgoch:

And the company may take, divert, appropriate, impound, and use the waters of the brooks or streams above mentioned or referred to, or any of them, making full compensation and satisfaction to all parties interested in the said brooks or streams: Provided nevertheless, that no diversion shall be made of the said stream running from the said farm known as "Criau," and no water shall be taken from the said stream except by means of a single pipe, not exceeding one inch in diameter, running in the direction shown by the dotted line in reference thereto on the deposited plans herein-before mentioned.

Power for compulsory purchases limited.

57. The powers of the company for the compulsory purchase of lands for the purposes of any of the works by this Act authorized shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

58. The works by this Act authorized shall be completed within five years after the passing of this Act, and if the works shall not be completed within that period, then on the expiration thereof the

powers by this Act granted to the company for executing and completing the same works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed.

Tolls.

59. The company may demand any tolls for the use of the railway not exceeding the following; (to wit,)

On goods and merchandise.

In respect of the tonnage of all articles conveyed upon the railways, or any parts thereof respectively, as follows:

Class I.—For all dung, compost, and all sorts of manure, lime, and limestone, and all undressed materials for the repair of public roads or highways, all coals, coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, sand, ironstone and iron ore, pig-iron, bar-iron, rod-iron, hoop-iron, and all other similar descriptions of wrought-iron and iron castings not manufactured into utensils or other articles of merchandise, and all sugar, grain, corn, flour, meal, bread, potatoes, hay, straw, flax, tow, linen or cotton yarn, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding twopence; and if conveyed in carriages belonging to the company, an additional sum per ton per mile not exceeding one penny:

Class II.—For all cotton and other wools, drugs (except vitriol), manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the company, an additional sum per ton per mile not exceeding one penny:

Class III.—And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the company, per mile not exceeding sixpence; and a like sum of one penny halfpenny per mile for every additional quarter of a ton, or fractional part of a quarter of a ton, which any such carriage so conveyed may weigh.

For animals, &c.

In respect of animals conveyed in carriages upon the railway as follows:

Class IV.—For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any such carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage belonging to the company, an additional sum per mile not exceeding one penny:

Class V.—For every calf or pig conveyed in or upon any such carriage the sum of twopence per mile; and if conveyed in any

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carriage belonging to the company, an additional sum per mile not exceeding one halfpenny:

Class VI.—For every sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding one penny and if conveyed in or upon any carriage belonging to the company, an additional sum per mile not exceeding one halfpenny.

For passengers.

In respect to passengers conveyed in carriages upon the railway as follows:

For every person conveyed in or upon any such carriage, per mile not exceeding threepence; and if conveyed in or upon any carriage belonging to the company, an additional sum per mile not exceeding one penny.

Tolls for propelling power.

60. The company may demand for the use of engines for propelling carriages on the railway any tolls not exceeding one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls by this Act authorized to be taken.

Maximum rates of charge for passengers.

61. The maximum rates of charge to be made by the company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums:

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

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

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

Restriction as to charges not to apply to special trains.

62. The restriction as to the charges to be made for passengers shall not extend to any special train that may be required to be run upon the railway, but shall apply only to the ordinary and express trains appointed from time to time by the company for the conveyance of passengers and goods upon the railway.

Passengers luggage.

63. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight if a first-class passenger, one hundred pounds in weight if a second-class passenger, and sixty pounds in weight if a third-class passenger, without any charge being made for the carriage thereof.

Maximum charges for goods and animals.

64. The maximum rate of charge to be made by the company for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls

for the use of the railway, and of carriages, and for locomotive power, and every other expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading goods at any terminal station of such goods, and for delivery and collection, and any other services incidental to the business or duty of a carrier, where such services or any of them are or is performed by the company, shall not exceed the amounts following; (to wit,)

For the matters mentioned in class I., not exceeding twopence halfpenny per ton per mile:

For the matters mentioned in class II., not exceeding threepence per ton per mile:

For any carriage mentioned under class III., not weighing more than one ton, not exceeding sixpence per mile; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton:

For every animal mentioned in class IV., not exceeding fourpence per mile:

For every animal mentioned in class V., not exceeding threepence per mile:

For every animal mentioned in class VI., not exceeding one penny per mile:

Provided always, that the rate to be charged for slates carried to or in the direction of Portmadoc shall not in any case exceed the sum of two shillings and sixpence per ton for the whole distance (with a proportionate decrease per mile for any less distance) in any year ending on the thirty-first day of December in which the whole quantity of such traffic in slates shall amount to one hundred and ten thousand tons.

Regulations as to tolls.

65. The following provisions and regulations shall be applicable to the fixing of the tolls and maximum rates of charge; (to wit,)

For articles, animals, or persons conveyed on the railway for a less distance than four miles the company may demand tolls and charges as for four miles:

For a fraction of a mile beyond four miles or beyond any greater number of miles the company may demand in respect of passengers, tolls, and charges as for one mile, and in respect of animals and articles tolls and charges in proportion to the number of quarters of a mile contained in such fraction, and for this last-mentioned purpose a fraction of a quarter of a mile shall be deemed a quarter of a mile:

For a fraction of a ton the company may demand toll according to the number of quarters of a ton in such fraction, and if

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there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

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

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

Tolls for small parcels and single articles of great weight.

66. With respect to small packages and single articles of great weight, notwithstanding the rate of tolls prescribed by this Act, the company may demand any tolls not exceeding the following; (to wit,)

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

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

For any parcel exceeding seven pounds in weight, but not exceeding fourteen pounds in weight, fourpence;

For any parcel exceeding fourteen pounds in weight, but not exceeding twenty-eight pounds in weight, sixpence;

For any parcel exceeding twenty-eight pounds in weight, but not exceeding fifty-six pounds in weight, eightpence;

And for parcels exceeding fifty-six pounds in weight, but not exceeding five hundred pounds in weight, the company may demand any sum which they think fit:

Provided that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages.

For the carriage of any one boiler, cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the company may demand any sum not exceeding sixpence per ton per mile; and if conveyed in or upon a carriage belonging to the company, an additional sum per ton per mile not exceeding sixpence:

For the carriage of any one boiler, cylinder, or any single piece of machinery, or single piece of timber, stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the company may demand such sum as they think fit.

Definition of terminal station.

67. No station is to be considered a terminal station in regard to any goods conveyed on the railway which have not been received

thereat direct from the consignor of such traffic, or are not directed to be delivered thereat to the consignee. A.D. 1869.

Company may take increased charges by agreement.

68. This Act, or anything herein contained, shall not prevent the company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of goods of any description, by agreement with the owners or persons in charge of such goods, either by reason of any special service performed by the company in relation thereto, or in respect to the conveyance of any goods other than small parcels by passenger trains.

Reciprocal facilities and interchange of traffic with Cambrian Railways Company.

69. In order to facilitate the transmission of traffic coming to or from the railway of the Cambrian Railways Company from or to the railway of the company, the Cambrian Railways Company shall at all times hereafter have the right to book and invoice through over the railway of the company all traffic intended to pass from or to or beyond the Cambrian Railway to or from the railway of the company; and the company shall, for and in respect of all such traffic, at all times afford to and for the Cambrian Railways Company all needful accommodation, facilities, and conveniences at, on, and over the lines and stations, approaches and conveniences of the company, by the trains of the company, and by through booking and invoicing through and through rates; and the company shall at all times and in all respects conduct, forward, and carry on and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic; and the charge to the Cambrian Railways Company shall (unless the two companies otherwise agree) be the charge made by the company for the time being for the carriage of like traffic conveyed by them over their railway between the same points: Provided always, that the Cambrian Railways Company shall afford to the company all such and the like facilities, upon like terms, in respect of traffic coming from or to the railway of the company to or from or beyond the Cambrian Railway, as are by this enactment provided and secured to the Cambrian Railways Company.

Provision for settlement of disputes by arbitration.

70. If any dispute shall at any time arise between the Cambrian Railways Company and the company as to any matter or thing in the last preceding enactment mentioned, the same shall from time to time be settled by arbitration in the manner provided for the settlement of disputes by arbitration by "The Railway Companies Arbitration Act, 1859;" and the decisions of the arbitrator, arbitrators, or umpire shall be binding and conclusive on the two companies, and the costs and expenses of the arbitration shall be defrayed as the arbitrator, arbitrators, or umpire shall direct; and either of the said companies who shall refuse or neglect to perform

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or observe and conform to any decision given or regulation made by any such arbitrator, arbitrators, or umpire in the premises shall forfeit and pay to the other company, as the arbitrator, arbitrators, or umpire shall determine, any sum not exceeding fifty pounds for any such offence, and twenty pounds for every day during which such offence shall continue.

Power to purchase or commute by agreement certain sums payable under Act of 1832.

71. The company on the one side, and the proprietor or proprietors for the time being of the Traeth Mawr Embankment, and the beneficiary occupier or occupiers, receiver or receivers for the time being of the tolls arising or payable in respect of such embankment on the other side, and the company on the one side, and the person or persons (if any) for the time being entitled to the sums of one penny per ton mentioned in the one hundred and forty-ninth section of the Act of 1832 on the other side, may from time to time respectively enter into and carry into effect contracts and agreements for the commutation, purchase, or extinguishing of the sums of one penny halfpenny or (as the case may be) one penny per ton mentioned respectively in the one hundred and eighteenth and one hundred and forty-ninth sections (by this Act not repealed) of the Act of 1832; and the consideration for any such commutation, purchase, or extinguishment may be either a sum in gross, or a fixed or other annual or periodical payment, as may be from time to time agreed between the contracting parties, and the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands by agreement, and the provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall apply to every such contract and agreement as if the sums thereby agreed to be commuted, purchased, or extinguished were an estate or interest in lands by this Act authorized to be taken.

Saving rights of the Crown in the foreshore.

72. 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 portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty, which consent the Board of Trade may give; neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors.

Saving the rights of William Alexander

73. Nothing herein contained shall in any manner whatever extend or be construed to extend to prejudice or interfere with the rights, powers, authorities, profits, privileges, and advantages vested

in William Alexander Madocks, Esquire, his heirs and assigns, under and by virtue of an Act passed in the forty-seventh year of the reign of His Majesty King George the Third, intituled "An "Act to enable His Majesty to vest the sands of Traethmawr, "dividing the counties of Carnarvon and Merioneth, in William "Alexander Madocks, Esquire," and also of another Act passed in the first and second years of the reign of His Majesty King George the Fourth, intituled "An Act to alter and amend an Act of His "late Majesty's reign, intituled 'An Act to enable His Majesty "'to vest the sands of Traethmawr, dividing the counties of "'Carnarvon and Merioneth, in William Alexander Madocks, "'Esquire;' and for building quays and other works for the pur-"pose of facilitating the landing, loading, and unloading of ships "and vessels frequenting the harbour of Port Madoc in the said "county of Carnarvon," but saving and reserving all such rights, powers, authorities, profits, privileges, and advantages in as full and ample a manner to all intents and purposes as if this Act had not been passed, save and except as herein-before mentioned.

Madocks, Esq., his heirs and assigns.

74. The company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, 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 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."

Interest not to be paid on calls paid up.

75. The company shall not, out of any money by this Act authorized to be raised, pay or deposit any sum of money 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.

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

76. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorized to be made 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.

Railway not exempt from provisions of present and future general Acts.

77. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the company.

Expenses Act.

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The SCHEDULE referred to in the foregoing Act.

Sections of the Act (local and personal) 2 William IV. cap. 48, not repealed by the foregoing Act.

Owner of Port Madoc to pass upon railway over embankment without being subject to toll.

Section 117.—And be it further enacted, that it shall be lawful for the proprietor or proprietors of the said Traethmawr Embankment and of the harbour of Port Madoc, and the shipping, quay, docks, and works connected therewith, and for the beneficial occupier or occupiers, receiver or receivers for the time being of the rates, tolls, or dues arising or payable in respect of the said embankment, harbour, quay, docks, and other works, and of Ynys-y-Towyn Rock, Ynys-y-Towyn, and the Towyn, from time to time and at all times, without being subject or liable to any of the rates, tolls, or duties by this Act granted, to pass and repass over and along such part of the said railway or tramroad as shall be made and constructed by the said company along the said embankment, with men, horses, and cattle, and waggons and other carriages, for the purpose only of carrying or conveying materials to repair and of repairing the said embankment and harbour, quay, docks, and other works aforesaid; and it shall be lawful for the quarry proprietors (paying such toll as herein-before mentioned for conveying their slates to port along the said railway) personally to pass and repass to and from the several slate quarries over and along the said railway without being subject to the payment of toll; and any person or persons who may be entitled under this Act to receive any toll or tonnage in consideration of allowing the said railway to be made through his, her, or their property, he or they shall not be entitled to receive the said toll or tonnage unless the slates, goods, or other heavy articles shall pass over and along that part of the said railway so made through the said property of the person or persons so entitled to receive the said toll or tonnage.

One penny halfpenny per ton to be paid by the company to the proprietor of Traethmawr Embankment for goods carried over such embankment.

Section 118.—And whereas it is intended to carry the said railway over a certain embankment called Traethmawr Embankment, and over a certain railroad laid down upon the said embankment, which embankment and railroad were, under the powers of an Act passed in the forty-seventh year of the reign of King George the Third, intituled "An Act to enable His Majesty to vest "the sands of Traethmawr, dividing the counties of Carnarvon and Merioneth, "in William Alexander Madocks, Esquire," vested in William Alexander Madocks, of Tanyr-allt in the county of Carnarvon, Esquire, his heirs and assigns, in fee simple, and by the said Act the sum of threepence per ton was payable to the said William Alexander Madocks, his heirs or assigns, for all slates brought along the said railway over the said embankment: And whereas the railroad at present upon the said embankment will be destroyed by the passage of the railway by this Act authorized: And whereas it hath been agreed between the proprietor or proprietors of the said embankment and the said company that the said sum of threepence per ton so made payable to the said William Alexander Madocks shall cease immediately on the passing of this Act: Be it therefore further enacted, that in lieu of the said sum of threepence per ton, there shall be paid by the said company to the proprietor or proprietors for the time being of the said embankment, or to the beneficial occupier or occupiers, receiver or receivers for the time being of the tolls arising or payable

in respect of such embankment, the sum of one penny halfpenny per ton for all slates, of whatever description, carried upon the railway by this Act authorized to be made over or upon the said embankment, and in case of nonpayment thereof on demand the same shall and may be recovered by distress and sale of the goods and chattels of the said company or of their treasurer, under a warrant to be issued by any one or more justice or justices of the peace of the said county of Merioneth (or Carnarvon, as the case may be), and which warrants such justice is hereby empowered and required to grant under his hand and seal, on application made to him for that purpose; and in case any overplus shall remain after payment of such money, and the costs and expenses of hearing and determining the matter in dispute, and also the costs and expenses of such distress and sale, then and in such case such overplus shall be returned, on demand, to the treasurer of the said company, for the use of the said company or of their treasurer for the time being, as the case may require: Provided always, that it shall be lawful for such treasurer to retain, out of any monies which he shall have received or shall receive in pursuance of this Act, all such damages, costs, charges, and expenses as he shall have sustained or have been put unto by virtue of any such warrant as aforesaid.

Allowing the owners of land to make branches to communicate therewith.

Section 125.—And be it further enacted, that it shall be lawful for the King's most Excellent Majesty, his heirs and successors, and to and for the Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues, on behalf of His Majesty, and to and for the owners and occupiers of the respective lands or grounds lying adjoining or near to the said railway or tramroad, or any other person or persons whomsoever, to lay down, either upon their own lands, or upon the lands of other persons with the consent of such other persons, any collateral branch or branches from their respective lands or grounds to communicate with the said railway or tramroad, or for making at their own expense such openings in the ledges or sides of the said railway or tramroad as may be necessary and convenient for effecting such communication.

Openings in the sides to be made in the night-time.

Section 126.—And be it further enacted, that all such openings in the ledges or sides of the said railway or tramroad as may be necessary or convenient for effecting such communication or junction as aforesaid shall not be made at any other time or times than between the hours of ten of the clock in the evening and three of the clock in the morning.

Roads may be made across the railway by the owners of adjoining land.

Section 127.—Provided always, and be it further enacted, that nothing herein contained shall extend to prevent the King's Majesty, his heirs and successors, or the Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues, on behalf of His Majesty, or other the owner and owners, occupier or occupiers of any land or ground lying adjoining or near to the said railway or tramroad, from making any tramroads, railroads, common roads, watercourses, drains, or pipes to, from, across, or under the said railway or tramroad hereby authorized to be made, or any part thereof, and to use such tramroad, railroad, common road, watercourse, drain, or pipes for the benefit of themselves, and all and every other person and persons to whom they may from time to time give leave, and in such way and for such purpose as they may require, so that such tramroad, railroad, common road, watercourse, drains, or pipes do no injury unnecessarily to, and do not unnecessarily prevent the free passage over and along the said railway or tramroad hereby authorized to be made by the said company.

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Lords of manors and owners may erect wharfs on their own lands.

Section 128.—And be it further enacted, that it shall be lawful for the lord or lords, lady or ladies of any manor or manors, and the King's Majesty, his heirs and successors, and the Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues, on behalf of His Majesty, and other the owner or owners of any lands or grounds near to, through, or by which the said railway or tramroad, or any part thereof, shall be made, to erect and use any wharfs, depôts, landing places, cranes, weighbeams, or warehouses in or upon his, her, or their respective works, or lands or grounds adjoining or near to the said railway or tramroad, and to land any goods or other things upon such wharfs or landing places, or upon the banks lying between the same and the said railway or tramroad or any part thereof, and also to make and use proper and convenient places for waggons, carts, and other carriages to remain and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the passage of the said railway or tramroad; and all rates or tolls which shall be paid for the use of such wharfs, landing places, cranes, weighbeams, and warehouses respectively shall be and the same are accordingly hereby vested in the lord or lords, lady or ladies of such manors, or His Majesty, his heirs and successors, or other the owner or owners of such lands or grounds who shall make and erect the same as aforesaid, and his, her, or their representatives, so that the rates and powers herein granted to the said company be not thereby reduced, altered, or infringed.

Lords of manors and owners may dig channels to connect wharfs with the line of the railway.

Section 129.—And be it further enacted, that it shall be lawful for the lord or lords, lady or ladies of the soil of any waste lands, and the King's Majesty, his heirs and successors, and the Commissioners for the time being of His Majesty's Woods, Forests, and Land Revenues, on behalf of His Majesty, and to and for the owner or owners of any lands or grounds near to, through, or by which the said railway or tramroad, or any part thereof, shall be made, at their own costs and charges, to construct and make any railway or tramroad or other road that may be necessary to connect such wharfs, loading or landing places with the main line of the said railway or tramroad, so as to enable waggons and other carriages to come up and discharge and take in loadings at such wharfs, loading or landing places.

Wharfs not to be within three yards of the main line.

Section 130.—Provided always, and be it further enacted, that no part of the said wharfs, loading or landing places shall be within three yards of the main line of the said railway or tramroad hereby authorized to be made and constructed as aforesaid.

Lords and ladies of manors and owners of lands to be liable to penalties for impeding the line of railway.

Section 131.—Provided nevertheless, and be it further enacted, that if the lord or lords, lady or ladies of any manor or manors, and the owner or owners of such lands or grounds, in the prosecuting, repairing, keeping up, and maintaining any part of such works, or in doing any other matter or thing, or in neglecting to do any repairs, matter, or thing necessary for such purposes aforesaid, shall in any way hurt, damage, or impede, or cause to be hurt, damaged, or impeded, the main line of the said railway or tramroad, such lord or lords, lady or ladies, and owner or owners as aforesaid, shall be liable to such penalties, not exceeding five pounds, as any two or more justices for the county in which the same shall be situate shall think proper and determine, for each offence, besides paying the expenses of the repair and removal of such damage, impediment, or obstruction, and besides also paying the expenses of

all delays and damages that such impediment or obstruction may occasion by such operations.

If they neglect to repair any damages, the company to do so and charge them with the expenses.

Section 132.—And be it further enacted, that if such lord or lords, lady or ladies of any manor or manors, or the owner or owners of such lands or grounds, after due notice of any such damage, injury, impediment, or obstruction as aforesaid thereof given to him, her, or them, or either of them, so offending, or left at his, her, or their usual place of residence by the officers, agents, or servants of the said company, shall not, within the space of twenty-four hours next after the delivery of such notice, repair or remove, or cause to be repaired or removed, any such damage, injury, impediment, or obstruction, then and in every such case, and as often as it shall so happen, it shall be lawful for the said company, and their officers, agents, or servants, to repair or remove any such damage, injury, impediment, or obstruction, and to charge the lord or lords, lady or ladies of any such manor or manors, or the owner or owners of such lands or grounds, with the expenses which the said company, their officers, agents, or servants, shall or may incur in the doing thereof, all which expenses shall and may be recovered in the manner as in this Act is herein-before provided in addition to such penalty or penalties.

Regulations respecting private wharfs.

Section 133.—And be it further enacted, that nothing herein contained shall authorize or empower the said company, or any other person or persons, to make use of any wharfs, loading or landing places, cranes, weighbeams, or warehouses, which shall be set out, erected, or made by the lord or lords, lady or ladies of any manor, or the owner or owners of any lands or grounds, adjoining or near to the said railway or tramroad, for his, her, or their private use only, or to set up, erect, or use any cranes or weighing machines in or upon any such wharfs, loading or landing places, without the consent of such lord or lords, lady or ladies, owner or owners.

If railway abandoned by the company the lands to revert to the former owner.

Section 137.—Provided always, and be it further enacted, that if the said railway or tramroad hereby authorized to be made, or any part thereof respectively, shall at any time hereafter be abandoned or given up by the said company, and shall not for the space of four years be used or employed as a railway or tramroad, then and in such case the land or ground so purchased or taken by the said company for the purposes of this Act, or so much and such part thereof over which the said railway or tramroad, or any part or portion of such railway or tramroad, which shall be so abandoned or given up by the said company shall pass, shall vest in the owner or owners of the land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) one moiety thereof in the owner or owners of the lands on the one side, and the other moiety thereof in the owner or owners of the land on the other side thereof.

Saving the rights of William John Bankes, Esquire.

Section 149.—And whereas William John Bankes, Esquire, claims to be entitled to certain dues or payments for or in respect of the carriage or passage of slates and goods in and by a cart or carriage road through his estates, and considerable emoluments and profits are derived by and accrue to the said tenants and occupiers of the same estates, which may be greatly lessened or wholly taken away by the establishment of the said railway, and it is fit that he should be compensated for the same: Be it therefore further enacted, that the sum of one penny per ton shall be payable and paid by the said company unto the said William John Bankes, his heirs, executors, administrators, or assigns, in

A.D. 1869.

respect of every ton weight carried or conveyed upon or along the said railway or tramroad, in respect of which the said company or their lessee or lessees shall receive or be entitled to receive the rates, tolls, or duties herein-before mentioned.

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