ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. xcv.

An Act to enable the *Hereford, Hay, and Brecon* Railway Company to make and maintain Deviations in the Line and Levels of their Railway; and for other Purposes. [30th *June* 1862.]

WHEREAS by the *Hereford, Hay, and Brecon* Railway Act, 1859, (in this Act called "the Act of 1859,") the *Hereford, Hay, and Brecon* Railway Company (in this Act called "the Company") were incorporated: And whereas the Railway by the Act of 1859 authorized to be made is now in course of Construction, and it has been found expedient to make lateral Deviations beyond the Limits of Deviation defined upon the Plans referred to in the Act of 1859, and also within such Limits to deviate vertically from the Levels of the Railway as referred to the common Datum Line described on the Sections referred to in the same Act to a greater Extent than is permitted by the Provisions of "The Railways Clauses Consolidation Act, 1845," incorporated with the said Act, and it is expedient that the Company should be enabled to make and maintain their Railway according to the altered Lines and Levels herein-after mentioned: And whereas the Objects and Purposes aforesaid cannot be effected without the Authority of Par- 22 & 23 Vict. c. lxxxiv.

liament: 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):

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

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

Short Title.

2. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Hereford, Hay, and Brecon* Railway Act, 1862."

Power to make and maintain substituted Portions of Railway.

3. It shall be lawful for the Company to make, complete, and maintain the following Portions of Railway, with all proper Stations, Works, and Conveniences connected therewith, in lieu and in substitution for Portions of Railway authorized by the recited Act; (that is to say,)

Firstly, a new or substituted Portion of Railway commencing in the said Parish of *Aberllunfy* at or near the Third Chain of the First Furlong of the Eleventh Mile marked upon the Plans referred to in the Act of 1859, and terminating in the Parish of *Hay* in the said County of *Brecon* at or near the Third Furlong of the Fourteenth Mile marked upon the same Plans:

Secondly, a new or substituted Railway commencing in the Parish of *Clifford* at or near the Seventh Furlong of the Fifteenth Mile marked upon the Plans referred to in the Act of 1859, and terminating in the Parish of *Whitney* in the County of *Hereford* at or near the Third Chain of the Second Furlong of the Nineteenth Mile marked upon the same Plans.

Deposit of Plans and Sections of substituted Portions of Railway.

4. Whereas Plans and Sections of the said new or substituted Portions of Railway by this Act authorized showing the Lines and Levels thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, were on or shortly before the Thirtieth Day of *November* in the Year One thousand eight hundred and sixty-one deposited with the Clerks of the Peace for the Counties of *Brecon* and *Hereford*: Therefore, subject to the several Powers and Provisions herein and in the incorporated Acts contained, it shall be lawful for the Company to construct, complete, and maintain the said new or substituted Portions of Railway 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 defined upon the said Sections, and to enter upon, purchase, take, and use such of the said

Lands

Lands as shall be necessary for the Purposes of the said new or substituted Portions of Railway.

Company to abandon Parts of Line, and new Railway to be substituted.

5. The Company shall abandon the Formation of so much of the Railway authorized by the Act of 1859 as shall be rendered unnecessary in consequence of the Construction of the said new or substituted Portions of Railway.

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

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

Power to construct a Portion of Line according to altered Levels.

7. Whereas Sections showing the Levels according to which the Railway of the Company is now intended to be made between the First Furlong of the Twenty-fifth Mile marked upon the Plans referred to in the Act of 1859 and the Fifth Chain of the Twenty-seventh Mile marked upon the same Plans were, on or shortly before the Thirtieth Day of *November* in the Year One thousand eight hundred and sixty-one, deposited with the Clerks of the Peace for the Counties of *Brecon* and *Hereford:* Therefore, subject to the Provisions in this and the incorporated Acts contained, the said Railway between the said Points may and shall be made within the Limits of lateral Deviation defined upon the Plans referred to in the Act of 1859, but according to the Levels defined upon the Sections deposited as aforesaid on or shortly before the Thirtieth Day of *November* One thousand eight hundred and sixty-one.

8. The

Deviations to form Part of Undertaking.

8. The new or substituted Portions of Railway by this Act authorized shall be and be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, (except as regards the Period for the Purchase of Lands,) Part of the Undertaking of the Company, in the same Manner as if the same had originally formed Part thereof, and the Capital of the Company shall be applicable to the Construction of the same, and the Clauses and Provisions of the Act of 1859 shall be read and construed accordingly.

Provisions as to certain Farms extended to Line as now authorized.

9. Notwithstanding anything in this Act contained, the Section numbered Twenty-three of the Act of 1859 relating to *Trephillip Farm* and *Trevithel Court Farm* shall remain in full Force, and shall extend and apply to the Railway as by this Act and the Act of 1859 authorized to be constructed.

Provision as to Sheep House Farm repealed.

10. And whereas the Section numbered Twenty-four of the Act of 1859 relating to *Sheep House Farm* will be rendered inapplicable by this Act, and it is expedient that other Provision be made in lieu thereof: Therefore that Section is hereby repealed.

Other Provision for Sheep House Farm substituted.

11. In the Construction of the Railway through the Lands Parcel of the Farm called the *Sheep House Farm* in the Parish of *Hay* in the County of *Brecon* the Company shall be subject to the following Conditions and Restrictions, and at their own Expense shall, as soon as may be after the Commencement of the Railway through those Lands, make and at all Times hereafter maintain the Works hereafter specified; (that is to say,)

The Company shall make and maintain a good and sufficient Communication between the Lands numbered respectively on the said Plans deposited in the Month of *November* One thousand eight hundred and sixty-one 61 and 56 in the Parish of *Hay*, and also a good and sufficient Communication between the Buildings numbered on those Plans 25 in that Parish, and the Roadway and Field respectively numbered on those Plans 27 and 30 in that Parish:

Each such Communication shall be either a Crossing over the Railway on the Level, with convenient Approaches, and in all respects fit for Horses and Carriages, and the Rails to be countersunk at the Crossing, or (at the Option of the Company) an Archway under the Railway of the clear Width of Twelve Feet at least throughout, and of the clear Height of Fourteen Feet at least for a Width of Nine Feet, with a level Roadway under the same, and to be as regards Position and in all other respects fit for Carts and Waggons:

The Company shall make and maintain a convenient Platform in such One of the Enclosures numbered respectively on the said Plan 63 and 64 in the said Parish of *Hay* as the Owner for the Time being of the said Farm shall determine, and with a Siding thereto if necessary to connect it with the Main Line of Railway, the Platform to be in such a Position and of such Height and Form as to be easily accessible from the Enclosure in which it is made with Carts and Waggons, and convenient for loading and unloading into and from the Trucks on the Railway, and into and from such Carts and Waggons, and to be for the Use of the Occupiers of the said Farm, free from Toll or other Payment in respect of the Use of the said Platform; and the Company shall, subject to the Payment of the Tolls and Charges provided by this Act, furnish such Trucks or Waggons for Use on the Railway, and make such Arrangements for carrying Produce and Goods to and from the said Farm, as may be reasonably required, but shall not be bound to cause any Passenger Train nor more than One Goods Train each Way each Day to stop at the said Platform: Provided always, that the foregoing Stipulations shall be in addition to and not in lieu or diminution of any other Accommodation Works, Damages, or Compensation to which the Owner or Occupier of the said *Sheep House Farm* may under this Act, or any Act incorporated with this Act, be or become entitled.

Powers for compulsory Purchases limited.

12. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of the new or substituted Portions of Railway by this Act authorized shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for the Completion of the Works.

13. The new or substituted Portions of Railway by this Act authorized shall be completed on or before the Sixth Day of *August* in the Year One thousand eight hundred and sixty-four, and from and after that Day the Powers by this Act granted to the Company for making the same shall cease.

Provision with respect to Bridge over the River Wye at Hay.

14. Whereas the making of the Railway in the Parish of *Hay* in the County of *Brecon* will so materially affect the Bridge erected over the River *Wye* there under the Authority of the Act of the Twenty-ninth Year of *George* the Second, Chapter Seventy-three, as to render it necessary that extensive Works for the Alteration of the Bridge should be effected, and it is expedient that such Works should be executed without Delay, and that a further Improvement of the said Bridge should be effected in connexion with the said Works: And whereas by that Act the Commissioners thereunder were authorized to convey and assign over for any Term of Years all or any of the Tolls, Revenues, Profits, or

Incomes of or belonging to the Bridge, or which should arise, accrue, or belong to the same, to such Person or Persons as would undertake to contract and agree to erect and build the Bridge, and to preserve and keep the same in good Repair for so long a Time as the Commissioners should think fit, provided such Person or Persons should find sufficient Security so to do to the Satisfaction of the Commissioners or any Seven or more of them: And whereas the said Bridge is in a dilapidated and dangerous State, and it is unreasonable, under the Circumstances, that the Company should be required or called upon altogether to rebuild the same: And whereas the Commissioners have no Funds for executing the Works which are necessary for the Repair or Improvement of the Bridge, and have no Means of obtaining a Contract for the Execution thereof, except by an Assignment of the Tolls and Revenues of the Bridge, and it is expedient, therefore, that the said Power of Assignment should be renewed: Therefore the Powers by the said Act of the Twenty-ninth Year of *George* the Second conferred on the Commissioners with respect to the Assignment of the Tolls, Revenues, Profits, or Income of or arising, accruing, or belonging to the Bridge, may be exercised for the Purpose of securing the Execution of any Works which the Commissioners think requisite for rebuilding the same in connexion with the Works to be done by the Company, and for securing the Maintenance and Repair of the Bridge during the Term of such Assignment: Provided always, that such Term shall not exceed Ninety-nine Years.

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

15. Nothing in this Act shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels and the maximum Rates of Fares and Charges authorized to be taken by the Act of 1859.

Expenses of Act.

16. All the Costs, Charges and Expenses of and incidental to the passing of this Act shall be paid by the Company.

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