ANNO DECIMO NONO

VICTORIÆ REGINÆ.

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Cap. xxii.

An Act to amend and extend the Provisions of "The *Llanidloes and Newtown* Railway Act, 1853;" and to enable the *Llanidloes and Newtown* Railway Company to make certain Deviations in their authorized Line and Levels, and for other Purposes. [5th *June* 1856.]

WHEREAS an Act was passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Llanidloes *in the* County *of* Montgomery *to* Newtown *in the same County, to be called* "*The* Llanidloes and Newtown *Railway,*" *and for other Purposes*, the Short Title of which is "The *Llanidloes and Newtown* Railway Act, 1853:" And whereas the Works of the said *Llanidloes and Newtown* Railway have been commenced, and are now in course of Construction, and it is expedient that the said *Llanidloes and Newtown* Railway Company should be empowered to alter certain Parts of the Line and Levels of the said *Llanidloes and Newtown* Railway, as authorized by "The *Llanidloes and Newtown* Railway Act, 1853:" And whereas it

16 & 17 Vict. c. cxliii.

is expedient to extend the Period limited by "The *Llanidloes and Newtown* Railway Act, 1853," for the Completion of the Works thereby authorized: And whereas it is expedient to amend some of the Provisions of the said Act; but the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty,

8 & 9 Vict. cc. 16. 18. & 20. incorporated.

I. 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, That the Provisions of "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845;" so far as the same are not expressly varied or excepted by this Act, shall be incorporated with and form Part of this Act.

Short Title.

II. That this Act may be cited for all Purposes as "The *Llanidloes and Newtown* Railway Deviation Act, 1856."

Power to make Railways according to deposited Plans.

III. And whereas Plans and Sections of the Deviation Railways and other Works showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Montgomery*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said *Llanidloes and Newtown* Railway Company (herein-after called the Company) to make and maintain the said Deviation Railways and Works in the Lines and Levels and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose, and to make such Alterations in the Levels of the said authorized Line of the *Llanidloes and Newtown* Railway as are defined on the said Sections.

Lines of Railway.

IV. That the Deviation Lines of Railway to be made under the Authority of this Act shall be the following; (that is to say,)

Firstly, a Deviation Line of Railway to commence in the Field numbered 20 on the Plans referred to in the said "*Llanidloes and Newtown* Railway Act, 1853," in the Township of *Cilmachallt* in the Parish of *Llanidloes* in the County of *Montgomery*, reputed to belong to *Edward Morris* Esquire, and terminating in the Field numbered 25 upon the said Plans, in the Township of *Morfodion* and Parish of *Llanidloes*, also reputed to belong to the said *Edward Morris*:

Secondly, a Deviation Line of Railway to commence in the Field numbered 27 on the said Plans, in the Township of *Hengynwydd Fawr* in the Parish of *Llandinam* in the County of *Montgomery*, reputed to belong to the said *Edward Morris*, and terminating in the Field numbered 38 upon the said Plans, in the said Township of *Hengynwydd Fawr*, reputed to belong to *Mary Ann Brome*:

Thirdly, a Deviation Line of Railway to commence in the Field numbered 5 on the said Plans, in the Township of *Sceafell*, otherwise *Hendidley* in the Parish of *Llanllwchaiarn* in the said County of *Montgomery*, reputed to belong to Lieutenant General *Henry Adolphus Proctor*, and terminating in the Field numbered 8 upon the said Plans, in the Parish of *Newtown* in the said County of *Montgomery*, reputed to belong to *Arthur Briscoe* Esquire.

Power to cross certain Roads on the Level.

V. That, subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway authorized by the recited Act to carry the same by Four Lines of Rails over, across, and upon the Level of the several public Carriage Roads numbered on the Plans deposited as aforesaid, as follows; (that is to say,)

The Road numbered 5 in the Township of *Hengynwydd Fach* in the Parish of *Llanidloes*, and 6 in the Township of *Hengynwydd Fawr* in the Parish of *Llandinam*:

The Road numbered 19 in the Township of *Hengynwydd Fawr* in the Parish of *Llandinam*:

The Road numbered 56 in the Township and Parish of *Llandinam*:

and it shall be lawful for the Company to divert and alter the said Road numbered 19 in the Manner shown on the said Plan, and to make the Inclination of the Road first above-mentioned One in Twelve.

Stations or Lodges to be erected at Points of crossing, and abide by Rules, &c. of Board of Trade.

Penalty for Neglect.

VI. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Stations or Lodges, or appoint a proper Person to watch or superintend the Crossing at such Points or Stations, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

VII. That

Board of Trade may require Bridges in lieu of level Crossings.

VII. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter to require the Company, within such Time as the said Board shall direct and at the Expense of the Company, to carry any of the said Roads either under or over the Railway by means of a Bridge or Arch in lieu of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board to be best adapted for removing or diminishing the Danger arising from such level Crossing.

Power to alter the Road and divert the River.

VIII. That it shall be lawful for the Company to divert and alter the Turnpike Road numbered 28 in the Township of *Morfodion* in the Parish of *Llanidloes*, in the Manner shown on the said Plans and Sections, and also to divert and alter the Course of the River *Severn* in the Townships of *Hengynwydd Fawr* and *Dethenydd* in the Parish of *Llandinam*, in the Direction defined on the said Plans; and such Diversion and Alteration of the said River shall be made to the full Extent of and according to the Plan deposited in the Private Bill Office of Parliament before the said Railway shall be opened for Traffic, and the Embankments across the Bed of the present River for the Purpose of diverting the Water into the new Course shall for ever hereafter be repaired and maintained by and at the Expense of the said Company; and the new Course of the River shall be maintained and kept in repair by the Company for Seven Years from the Period of its Construction.

Spans of Arches of Bridges, &c.

IX. That it shall be lawful for the Company, in carrying the Railway over the several Roads herein-after mentioned, to make the Arches over such Roads not wider or higher than as follows; (that is to say,) the Arch over the Road numbered 162 in the Parish of *Newtown* Fifteen Feet wide and Fifteen Feet high, and the Arches over the several Turnpike Roads in the Parish of *Newtown* Twenty-five Feet wide and Sixteen Feet high; and the several Turnpike Roads which are to be carried over the Railway shall not be required to be more than Twenty-five Feet wide, and the public Roads shall not be required to be more than Fifteen Feet wide.

Powers for compulsory Purchases limited.

X. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Works.

XI. That the Railways shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall be then completed.

XII. That

Power to abandon Portions of the Llanidloes and Newtown Railway rendered unnecessary.

XII. That the Company shall abandon and relinquish the Formation of so much and such Parts of their Railway as now authorized, between the Points at which the several Deviation Lines of Railway by this Act authorized commence and the Points at which the same terminate respectively, as may become unnecessary by reason of the Construction of such Deviation Lines of Railway.

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

XIII. Provided always, That in any case where before the passing of this Act any Contract hath 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 so required 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 all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof; provided also, that the Authority hereby given for abandoning the Formation of 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.

Tolls upon new Lines of Railway.

XIV. That it shall be lawful for the Company to demand and receive for and in respect of the Railways hereby authorized the same Tolls and Charges as they are authorized to demand and receive by "The *Llanidloes and Newtown* Railway Act, 1853;" and the Railways hereby authorized to be made shall for all Purposes be respectively Part of the said *Llanidloes and Newtown* Railway.

Maximum Tolls.

XV. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the said Railways shall in no case exceed the maximum Tolls and Charges authorized to be taken by the said Act.

Extending Time for Purchase of Lands.

XVI. That the Time limited by "The *Llanidloes and Newtown* Railway Act, 1853," for the compulsory Purchase or taking of Lands within

within the said Parish of *Newtown*, shall be extended and enlarged until the Expiration of Two Years from the passing of this Act; and after the Expiration of such Period the Powers by the said recited Act and by this Act granted for the compulsory Purchase of the Lands authorized to be taken shall cease to be exercised.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

XVII. That the Justices, Arbitrators, or Umpires, as the Case may be, who under the Provisions of the said recited Act or this Act shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the Lands authorized to be taken by the said recited Act for the Purposes of the *Llanidloes and Newtown* Railway, and which may be taken and used for such Railway or Works, or any of them, by the said recited Act authorized to be made, or which may be injuriously affected by the Construction of such Railway or Works, shall in estimating the Amount of such Compensation have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing Contracts and Notices to take Lands not to be affected.

XVIII. That nothing herein contained shall in anywise prejudice or affect any Contracts entered into or Notices given by the Company before the passing of this Act for purchasing, taking, or using any Lands authorized to be taken for the said Railway, but every such Contract and Notice respectively shall be construed and shall take Effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Period for Completion of Works extended.

XIX. That the Time limited by "The *Llanidloes and Newtown* Railway Act, 1853," for the Completion of the Railway thereby authorized shall be extended until the Expiration of Four Years from the passing of this Act; and on the Expiration of such extended Period the Powers of the said Act and this Act for making the said Railway shall cease to be exercised, except as to so much of such Railway as shall then be completed.

Recited Act to be construed as if the extended Periods given by this Act had been originally granted.

XX. That the Powers of the said recited Act for the compulsory Purchase of Lands and for the making and Completion of Works which are by the Provisions of this Act extended for a further Period of Time, may be exercised by the Company in the same Manner as if such further Periods had been originally granted in the said recited Act, with reference to such compulsory Purchase of Land or Completion of the Works, as the Case may be.

XXI. That

XXI. That the Company may apply and appropriate towards the Purposes of this Act, and so far as may be requisite for such Purposes, any Portion of the Moneys which they are authorized to raise under their existing Act. Power to apply existing Capital to the Purposes of this Act.

XXII. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made or the said Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or to the Conveyance of small Parcels by Railways, 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 maximum Rates of Fares and Charges authorized by this Act or of the Rates for small Parcels. Railways not exempt from Provisions of present and future General Acts.

XXIII. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company. Expenses of Act.

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