CHAP. cxiii.

An Act to revive and extend the time limited by "The Mid-Wales Railway (Western Extensions) Act, 1865," for the compulsory purchase of lands and completion of works, and to abandon the formation of the Railways authorized by "The Mid-Wales Railway Act, 1864," and "The Mid-Wales Railway (Eastern Extension) Act, 1865," respectively, and to enable the Mid-Wales Railway Company to use a portion of the Neath and Brecon Railway; and for other purposes. [12th July 1869.]

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WHEREAS the following Acts relating to the Mid-Wales Railway Company, herein called "the Company," have been passed, namely, "The Mid-Wales Railway Act, 1859," "The Mid-Wales Railway (Extensions) Act, 1860," "The Mid-Wales Railway Act, 1861," "The Mid-Wales Railway (Deviations, &c.) Act, 1862," "The Llanidloes and Newtown (Mid-Wales and Manchester and Milford) Railway Act, 1862," "The Mid-Wales Railway (Llangurig Branch) Act, 1863," "The Mid-Wales Railway Act, 1864," "The Mid-Wales Railway (Eastern Extension) Act, 1865," and "The Mid-Wales Railway (Western Extensions) Act, 1865:" Recital of Acts as to Mid-Wales Railway.

And whereas the said Acts are in this Act called "the Company's Acts:"

And whereas it is expedient that the time limited by "The Mid-Wales Railway (Western Extensions) Act, 1865," for the compulsory purchase of lands should be revived and extended, and that the time limited by the said Act for the completion of works should be extended:

And whereas it is expedient that the Company should abandon the construction of the railways authorized to be made by "The Mid-Wales Railway Act, 1864," and "The Mid-Wales Railway (Eastern Extension) Act, 1865:"

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And whereas it is expedient that the Company should be authorized to enter into contracts and agreements with the Neath and Brecon Railway Company with respect to the construction and maintenance of a station at Brecon for their joint use:

And whereas it is expedient that the Company should be authorized to run over and use the portion of the railway of the Neath and Brecon Railway Company herein-after mentioned:

And whereas it is expedient that power of voting at meetings of the Company should be conferred upon the holders of preference shares in the capital of the Company:

And whereas the objects and purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Mid-Wales Railway Act, 1869."

Part of 26 & 27 Vict. c. 92. incorporated.

2. Part II. (relating to extension of time) and Part III. (relating to working agreements) 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:

The expression "the Company" means the Mid-Wales Railway Company;

The expression "the Neath Company" means the Neath and Brecon Railway Company;

The expression "the Act of 1864" means the "Mid-Wales Railway Act, 1864;"

The expression "the Eastern Extension Act of 1865" means the "Mid-Wales Railway (Eastern Extension) Act, 1865;"

The expression "the Western Extensions Act of 1865" means "The Mid-Wales Railway (Western Extensions) Act, 1865;" and

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Reviving time for purchase of lands.

4. The powers conferred upon the Company by "The Western Extensions Act, 1865," for the compulsory purchase of lands are hereby revived and extended, and may be exercised by the Company for and during a period of two years from the passing of this Act, and on the expiration of that period those powers shall cease and determine.

Extending time for construction of works.

5. The time limited by "The Western Extensions Act, 1865," for the completion of the railways and works by that Act authorized, shall be and the same is hereby extended for a period of four years from the passing of this Act, and if on the expiration of such extended period the said railways shall not be completed the powers of the Company for making the same shall cease to be exercised, except as to so much thereof as shall then be completed; and the 18th section of "The Western Extensions Act, 1865," shall be read and construed as if the extended period had been originally named in that Act.

Company to abandon railways.

6. The Company shall abandon the construction of the railways authorized by the Act of 1864 and the Eastern Extension Act of 1865.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

7. The abandonment by the Company under the authority of this Act of the railways authorized by the Act of 1864 and the Eastern Extension Act of 1865 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of "The Railways Clauses Consolidation Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act, the Act of 1864, or the Eastern Extension Act of 1865.

Compensation to be made in respect of portions of railways abandoned.

8. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchase of any land for the purposes of or in relation to any portions of the railways or works authorized to be abandoned by this Act, and which shall not be required for the purposes of the Company, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage

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sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Power to raise money under 28 & 29 Vict. c. clix. repealed.

9. The Company shall not under the powers of "The Eastern Extension Act, 1865," raise any money either by the issue of shares or stock, or by borrowing.

Running powers over portion of Neath and Brecon Railway.

10. The Company may run over and use with their engines and carriages, and for the purposes of their traffic of every description, so much of the Neath and Brecon Railway as lies between the Brecon station thereof and the junction of the said railway with the Brecon and Merthyr Tydfil Junction Railway, upon such terms, conditions, and regulations, and upon payment of such tolls or other consideration, as shall, if not agreed upon between them and the Neath Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade, and the decision of such arbitrator shall be binding and conclusive on all the parties in difference, and the costs and expenses of such arbitration shall be defrayed as such arbitrator shall direct.

Power to enter into agreements with Neath Company.

11. The Company and the Neath Company may from time to time enter into contracts or agreements with respect to the construction, maintenance, and use of a joint station at Brecon, and the appointment of joint committees for carrying into effect any such agreement.

Tolls on traffic conveyed partly on the railway of the Company and partly on the railway of the Neath Company.

12. During the exercise of the running powers by this Act authorized, the railway of the Company and of the Neath Company shall, for the purposes of tolls and charges, be considered as one railway, and in estimating the amount of tolls and charges in respect of the traffic conveyed partly on the railway of the Company and partly on the railway of the Neath Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of the Neath Company.

Votes of preference shareholders.

13. All preference shares and stock in the Company shall confer the like right of voting at meetings of the Company as ordinary

shares or stock, subject to the like conditions as to voting by proxy, and in all other respects.

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

14. Nothing herein contained shall be deemed or construed to exempt the Company from the provisions of any general Act relating to railways, or to the better or 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 any Act or Acts relating to the Company.

Expenses of Act.

15. 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.

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