CHAPTER xlvii.

An Act to extend for a further period the time limited by "The Mid-Wales Railway Act, 1869," for the compulsory purchase of lands and completion of works authorised by "The Mid-Wales Railway (Western Extensions) Act, 1865," and to enable the Mid-Wales Railway Company to use a portion of the railway and the Barton Station of the Great Western Railway Company at Hereford; and for other purposes. [27th June 1872.]

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Recital of Mid-Wales Railway Acts.

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," "The Mid-Wales Railway (Western Extensions) Act, 1865," and "The Mid-Wales Railway Act, 1869:"

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

And whereas by "The Mid-Wales Railway Act, 1869," the time limited by "The Mid-Wales Railway (Western Extensions) Act, 1865," for compulsory purchase of lands for the purposes of the railways by that Act authorised, which railways are herein-after referred to as "the Western Extensions," was revived and extended, and the time limited by the said Act for the completion of works was also extended:

And whereas the Company have as yet been unable to complete the Western Extensions, and it is expedient that further time should be granted to the Company for the purchase of lands and for the construction of such railway:

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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, 1872."

Provisions of general Act herein named incorporated.

2. Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," is (except where expressly varied by this Act) incorporated with and forms 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 Western Extensions Act of 1865" means "The Mid-Wales Railway (Western Extensions) Act, 1865;" and

The expression "the Act of 1869" means "The Mid-Wales Railway Act, 1869;"

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 granted by "the Western Extensions Act, 1865," and extended by the Act of 1869, for the compulsory purchase of lands required for the purposes of the railway authorised by "the Western Extensions Act, 1865," are hereby revived, and may be exercised by the Company for and during a period of three 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 for the construction of the railway authorised by "the Western Extensions Act, 1865," and extended by "The Mid-Wales Railway Act, 1869," shall be and the same is hereby extended for a period of three years from the expiration of the time limited for that purpose by the Mid-Wales Railway Act, 1869; 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.

Repeal of section 18 of Western Extensions Act.

6. Section 18 of "The Western Extensions Act, 1865," shall be and the same is hereby repealed.

Penalty if Western Extensions not made within extended time.

7. If the Company fail within the period limited by this Act to complete the Western Extensions Railway, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the Western Extensions are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the 3rd section of the Act 17th and 18th Victoria, chapter 31, known as "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said 3rd section of the Act 17th and 18th Victoria, chapter 31, to an account opened or to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of moneys.

8. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the Western Extensions, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion

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thereof as may not be required as aforesaid, shall be paid to the Company from whom such penalty was recovered.

One railway not to be opened before the other.

9. The railway in "the Western Extensions Act of 1865" called Railway No. 1, commencing in the parish of St. Harmon in the county of Radnor by a junction with the Mid-Wales Railway near Aber Marteg, and terminating in the parish of Llanilar in the county of Cardigan, near a certain farmhouse called Hendre Rhys, shall not be opened for public traffic before the railway in the said Act called Railway No. 2, commencing by a junction with Railway No. 1, in the parish of Llangurig in the county of Montgomery, and terminating in the same parish by a junction with the Manchester and Milford Railway, but both railways may be opened simultaneously.

Cancelling agreement with Mr. Lewis Pugh.

10. An agreement bearing date the twenty-seventh day of March one thousand eight hundred and sixty-five, made between the Company and Lewis Pugh, Esquire, and relating to the price to be paid and the accommodation works to be made for land of which the said Lewis Pugh was the owner or reputed owner, and which the Company are empowered to enter upon, take, and use for the purposes of the Western Extensions, is, at the request of the devisee of the said Lewis Pugh, cancelled, and shall henceforth be void and of no effect.

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

11. 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 authorised by any Act or Acts relating to the Company.

Expenses of Act.

12. 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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