ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. clvi.

An Act to enable the *Mid Wales* Railway Company to alter the Line and Levels of their Railway, and to make a Junction between the *Mid Wales* and the *Central Wales* (Extension) Railways, and to amend the Acts relating to the said Company; and for other Purposes.

[17th *July* 1862.]

WHEREAS by "The *Mid Wales* Railway Act, 1859," the *Mid Wales* Railway Company (in this Act called the Company) were incorporated and authorized to make a Railway from *Llanidloes* in the County of *Montgomery* to *Newbridge* in the County of Radnor: And whereas by "The *Mid Wales* Railway (Extensions) Act, 1860," the Company were authorized to extend their Railway so as to join the authorized Lines of the *Hereford, Hay, and Brecon* and the *Brecon and Merthyr Junction* Railway Companies, and also to make a Deviation near *Rhayader*: And whereas by "The *Mid Wales* Railway Act, 1861," the Company were authorized to make a Deviation between *Newbridge* and *Builth* in the Line authorized to be made by the said Act of 1860: And whereas in setting out the Line and in making the Working Plans and Sections of the Railway it has been found to be desirable to make Alterations in the Line and Levels thereof, and to deviate,

22 & 23 Vict. c. lxiii.

23 & 24 Vict. c. cxxxiii.

24 & 25 Vict. c. lxv.

deviate, both laterally and vertically, to a greater Extent than is authorized by the recited Acts; and it is expedient to authorize the Company to alter the Line and Levels of their Railway, and to construct the same according to the Plans and Sections herein-after mentioned: And whereas it is expedient that the Company should be enabled to construct a short new Line of Railway for the Purpose of effecting a Junction between the *Mid Wales* Railway and the *Central Wales* Extension Railway: And whereas it has been agreed between the Company and the *Manchester and Milford* Railway Company and the *Llanidloes and Newtown* Railway Company that a Portion of the Railway authorized to be made under the Authority of the first-recited Act, namely, between *Llanidloes* and a certain Place called *Penpontbren*, should be transferred to the *Llanidloes and Newtown* Railway Company, and should be made and maintained by that Company, for the joint User of the Company and the *Manchester and Milford* Railway Company, and a Bill is now pending in Parliament for the Purpose of enabling the said Companies to carry the said Agreement into effect: And whereas it is expedient to extend the Period at present limited for the compulsory Purchase of Lands upon so much of the Line of the *Mid Wales* Railway as is situate between *Penpontbren* and *Newbridge*: And whereas, in order to obviate the Inconvenience which might arise from the Existence of several Plans and Sections relating to the same Undertaking, Plans and Sections showing not only the Portions of the *Mid Wales* Railway intended to be altered under the Authority of this Act and the said new Line, and the Portion of the said Railway in respect of which an Extension of Time for compulsory Purchase is by this Act granted, but also the Portions of the said Railway in respect of which no new or further Powers are granted by this Act, together with Books of Reference to such Plans containing the Names of the Owners or reputed Owners and Lessees or reputed Lessees of the Lands which may be required to be taken for the Purposes thereof, were in the Month of *November* One thousand eight hundred and sixty-one deposited with the respective Clerks of the Peace for the Counties of *Montgomery*, *Radnor*, and *Brecon*; and it is expedient to enact that such Plans, Sections, and Books of Reference shall be the Plans, Sections, and Books of Reference according to which the said Railway shall be made or completed: 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Mid Wales* Railway (Deviations, &c.) Act, 1862."

2. "The

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

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

Railway to be made according to deposited Plans.

3. Subject to the Provisions of this Act and the Acts incorporated herewith, the *Mid Wales* Railway and the new Line of Railway hereinafter described shall be made and maintained in the Line and according to the Levels delineated upon the Plans and Sections deposited as aforesaid in the Month of *November* One thousand eight hundred and sixty-one, and upon the Lands delineated upon those Plans and described in the Books of Reference deposited therewith; and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of their Undertaking, and in every Case in which the Plans and Sections deposited as aforesaid differ from the Plans and Sections referred to in the recited Acts the Railway shall, subject to the aforesaid Provisions, be made according to the Plans and Sections deposited as aforesaid in the Month of *November* One thousand eight hundred and sixty-one, and according to no other Plans and Sections.

Power to alter Engineering Works.

4. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line of any Arches or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on the Plans or Sections instead of a Viaduct, Arch or Arches, as shown thereon; provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificate, provided it shall appear to them upon due Inquiry that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby; provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

Company not to take certain Lands except by Consent.

5. Provided always, That the Company shall not enter upon, take, or use, otherwise than by Agreement with the Owner thereof, any Lands or Property which by the recited Acts or either of them, they are expressly

expressly restrained from taking without the previous Consent in Writing of the Owner thereof.

Description of Railways hereby authorized.

6. The Railways which shall be made and maintained according to the said Plans and Sections deposited in the Month of *November* One thousand eight hundred and sixty-one are as follows; namely, so much of the *Mid Wales* Railway authorized to be made by the recited Acts, but altered under the Authority of this Act, as is situate between a certain Place called *Penpontbren* in the Parish of *Llangirrig* in the County of *Montgomery*, and the Termination of the said Railway shown on the said Plans and Sections in the Parish of *Llanfihangel Taly-llyn* in the County of *Brecon*, together with a diverging Line to the *Hereford, Hay, and Brecon* Railway in the Parish of *Aberllyfny* in the same County, and a Loop Line in connexion with such diverging Line, and a new Railway (in this Act called "the Junction Line") commencing by a Junction with the *Mid Wales* Railway in the Parish of *Disserth* in the County of *Radnor*, and terminating by a Junction with the *Central Wales* Extension Railway in the same Parish.

Provisions of recited Acts to apply to Mid Wales Railway herein-before described, &c.

7. The Provisions of the recited Acts relating to the *Mid Wales* Railway, so far as they are unrepealed and in force, and are not expressly altered by the Provisions of this Act, shall apply to the *Mid Wales* Railway herein-before described, notwithstanding that the Plans, Sections, and Books of Reference deposited as aforesaid in the Month of *November* One thousand eight hundred and sixty-one are by this Act substituted for the Plans, Sections, and Books of Reference in such Acts respectively referred to.

Junction Line to form Part of Undertaking.

8. The Junction Line shall be and shall be deemed for all Purposes whatsoever Part of the Undertaking of the Company.

Powers for compulsory Purchases limited.

9. The Powers by this Act conferred upon the Company for the compulsory Purchase of Lands for the Purposes of the Junction Line shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Time for Completion of Junction Line.

10. The Junction Line shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers of the Company for making the same shall cease.

Extension of Time for compulsory Purchases between Penpontbren and Newbridge.

11. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of so much of the *Mid Wales* Railway as lies between *Penpontbren* and the Village of *Newbridge*, including the Deviation near *Rhayader*, authorized to be made by "The *Mid Wales* Railway (Extensions) Act, 1860," may be exercised until but not after the First Day of *August* One thousand eight hundred and sixty-three,

three, notwithstanding that under the Provisions of the recited Acts it is enacted that those Powers shall cease on the First Day of *August* One thousand eight hundred and sixty-two (as regards so much of the Railway between *Penpontbren* and *Newbridge* as is not upon the Line of the said Deviation), and on the Third Day of *July* One thousand eight hundred and sixty-two (as regards so much of the said Railway as is upon the Line of the said Deviation).

Parties aggrieved by Extension of Time may have Compensation for the same.

12. The Justices, Arbitrators, Umpires, or Juries respectively (as the Case may be) who 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 or Houses required by the Company for the Purposes of their Undertaking, and for the Purchase of which the Period is by this Act extended, 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 as aforesaid.

Limiting Powers of Company for Purchase of Lands on Remainder of Line.

13. The Powers of the Company for the compulsory Purchase of Lands on the Remainder of the *Mid Wales* Railway shall not be exercised after the Expiration of the following Periods, being the Periods now limited for the Exercise of such Powers on such Portions of the Line respectively; namely, on the Deviation Line authorized by "The *Mid Wales* Railway Act, 1861," after the Twelfth Day of *June* One thousand eight hundred and sixty-three, and on the Portions of the Line South of the Termination of the said Deviation Railway near *Builth* after the Third Day of *July* One thousand eight hundred and sixty-three.

Mid Wales Railway to be completed within Periods now limited for that Purpose.

14. The *Mid Wales* Railway between *Penpontbren* and *Newbridge* shall be completed on or before the First Day of *August* One thousand eight hundred and sixty-four (being the Period now limited for the Completion of that Portion of the Railway), and the Remainder of the *Mid Wales* Railway shall be completed on or before the Third Day of *July* One thousand eight hundred and sixty-five (being the Period now limited for the Completion of such remaining Portion), and on the Expiration of those respective Periods the Powers of the Company for making the said Portions of Railway respectively shall cease.

Level Crossings.

15. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act" contained, it shall be lawful for the Company in the Construction of the Railway to carry the same with not exceeding a Single Line of Railway so long as the Railway shall be a Single Line, and with not exceeding a Double Line of Railway if the Railway shall be made a Double Line, across and on a Level of

the Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Number on Plan.	Parish.	Description of Road.
214	Saint Harmon - - -	Public Carriage Road.
27	Llanelwedd - - -	Turnpike Road.
20	Boughrood - - -	Public Carriage Road.

Provided always, that it shall not be lawful for the Company in shunting Trains to pass any Train over any such level Crossings, or to allow any Engine, Carriage, Truck, or Train to stand across the same.

Lodge to be erected at Points of Crossing.

16. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain a Lodge fitted for the Residence of a Gatekeeper at the Points where the Railway crosses the before-mentioned Roads on the Level, and the Company shall be subject to and 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 Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point, or to observe or abide by any such Rule or Regulation 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.

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

17. 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, either before or after the Railway shall have been completed and opened for Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the said Roads or any of them across the Railway in such Manner as the Board shall direct, 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 any such level Crossing; but if such Level Crossing shall not be made, or shall be discontinued, it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

18. In

Inclination of Road.

18. In carrying the Road numbered on the Plans deposited as aforesaid 106 a in the Parish of *Aber-Edw* under the Railway, it shall be lawful for the Company to make the Inclination of such Road as steep but not steeper than One Foot in Nine Feet.

As to Communication with Lines of Central Wales Extension Railway Company.

19. The Communication with the *Central Wales* Extension Railway shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time; and such Communications, and all Openings in the Ledges or Flanges of such Line, and all other Works which may be necessary in connexion with or affecting any such Communication, shall be made and maintained under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *Central Wales* Extension Railway Company, or in case such Engineer and the Engineer of the Company for the Time being cannot agree as to the Mode of constructing any such Communication, Opening, or other Works, then such Communication, Opening, or other Works shall be made in such Manner as shall be directed by any Engineer agreed upon between the said Engineers, or in the event of their being unable to agree upon such Engineer, then by any Engineer to be appointed for that Purpose by the Board of Trade on the Application of either Company; and the Remuneration of the Engineer so agreed upon or appointed as aforesaid shall be paid by the Company; and all Expenses of and attending the making, repairing, and maintaining such Communication, Opening, and Works, and of watching, regulating, and adjusting the same, and the Passage of the Traffic there, shall be borne and paid by the Company.

Saving Works and Property of Central Wales Extension Railway Company.

20. Notwithstanding anything in this Act contained, it shall not be lawful for the Company or any Person acting under or in execution of this Act, without the previous Consent for that Purpose of the *Central Wales* Extension Railway Company under their Common Seal, to enter upon, take, or use, either temporarily or permanently, any of the Lands, Works, or Property of the *Central Wales* Extension Railway Company, or in any Manner to alter or interfere with their Railway or any Works appertaining thereto, save only so far as may be necessary for the Purpose of forming the Junction with each Railway by this Act authorized, and of constructing and maintaining the *Mid Wales* Railway as authorized by the recited Acts, subject to the Alterations in the Line and Levels thereof by this Act authorized.

Company to abandon Parts of Line for which Deviations are substituted.

21. The Company shall abandon the Formation of so much of the Railway authorized by the recited Acts as shall be rendered unnecessary in consequence of the Construction of the Deviations authorized by this Act beyond the Limits of lateral Deviation authorized by the recited Acts.

22. Pro-

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

22. 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 Portions of Railway 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.

Nothing to prejudice any Agreement between H. Thomas, Esq. and the Company, except as herein stated.

23. Nothing in this Act shall prejudice or affect any Agreement between the Company and *Henry Thomas* Esquire, with respect to any Works or Things to be made for the Protection or Benefit of or with respect to his Estate in the Counties of *Radnor* and *Brecon*, except that, so far as regards Railways, every such Agreement shall be read and have effect as applying to the Railway and Junction Line authorized by this Act, instead of to the Railways by "The *Mid Wales* Railway Act, 1861," authorized and referred to in the Agreement.

Deposit Money not to be repaid except in a certain Event.

24. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of the Reign of Her present Majesty, Chapter Twenty, a Sum of Two hundred and forty Pounds, being Eight Pounds *per Centum* on Three thousand Pounds, being the estimated Cost of constructing the Junction Line, has been deposited with the Court of Chancery in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited

by

by this Act for the Completion of the Railway, either open the Junction Line for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have expended on the Junction Line a Sum equal in Amount to One Half of the said estimated Cost; and if the said Period shall expire before the Company shall either have opened the Junction Line for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said deposited Sum, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said deposited Sum shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said deposited Sum if the Company shall not, within the Time by this Act limited for the Completion of the Junction Line, either open the Junction Line for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have expended on the Junction Line a Sum equal to One Half of the said estimated Cost, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest or Dividends thereof shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid, and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Fact so certified.

Railway not exempt from Provisions of present

25. Nothing in this Act shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more

and future General Acts.

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 Acts relating to the Company.

Expenses of Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.