CHAPTER cxiv.

An Act for authorising the Worcester and Aberystwith Junction Railway Company to abandon the construction of the railway authorised by the Worcester and Aberystwith Junction Railway Act, 1874, and to construct another railway in lieu thereof; and for other purposes. A.D. 1877.

[23d July 1877.]

WHEREAS by the "Worcester and Aberystwith Junction Railway Act, 1874," (in this Act called the Act of 1874,) the Company incorporated by that Act, in this Act called the Company, were authorised to make and maintain the railways in that Act described, and whereas no portion of those railways have been constructed: 37 & 38 Vict. c. cxc.

And whereas it is expedient that the Company should be authorised to abandon the construction of the railway authorised by the Act of 1874, and to construct the railway herein-after described in lieu thereof:

And whereas the cost of the substituted railway to be constructed under this Act will be less than the cost of constructing the railway authorised by the Act of 1874, and it is expedient that the capital of the Company should be reduced:

And whereas it is expedient that the Company and all other companies and persons lawfully using their railway should be empowered to work into and use the Builth Station of the Mid Wales Railway Company, and also the portion of the railway of that company herein-after specified:

And whereas plans and sections showing the line and levels of the railway authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace of the county of Radnor, and

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are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be attained 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. This Act may be cited for all purposes as "The Worcester and Aberystwith Junction Railway (Deviation) Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,) "The Lands Clauses Consolidation Act, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863."

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by this Act, or by the Acts wholly or partially incorporated herewith, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the railway" or "the undertaking" shall mean the railway or undertaking by this Act authorised, or any part thereof;

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 common simple contract debt, and not a debt or demand created by statute.

Company to abandon authorised line.

4. The Company shall abandon the construction of the railways authorised by the Act of 1874.

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

5. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation 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 of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been

temporarily occupied by the Company to receive compensation 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 Railways Clauses Consolidation Act, 1845," or the Act of 1874.

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

6. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, 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 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," as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to make railway.

7. In lieu of the railways by this Act authorised to be abandoned, the Company, subject to the provisions of this Act, may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway, 13 miles 5 furlongs 1·75 chains in length, situate wholly in the county of Radnor, commencing by a junction with the Kington and Eardisley Railway at or near the termination of that railway at New Radnor, and terminating in the parish of Llanelwedd by a junction with the Mid Wales Railway.

Railway forms part of Company's undertaking.

8. The railway shall for all purposes whatever, including the demanding and taking of tolls, be deemed to be the undertaking of the Company as if it had been authorised by the Act of 1874.

Capital and borrowing powers of the Company to be reduced.

9. The Act of 1874 shall for all purposes be read and construed as if the capital of the Company thereby authorised to be raised were one hundred and eighty thousand pounds, and not three

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hundred thousand pounds, and as if the sum which the Company were thereby authorised to raise by mortgage of their undertaking were sixty thousand pounds, and not one hundred thousand pounds.

Period for compulsory purchase of lands.

10. 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 three years from the passing of this Act.

Power to cross certain roads on the level.

11. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railway Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,)

Railway No. 1.

No. on deposited Plan.	Parish.	Description of Road.
64	Llansaintfread in Elvel -	Public highway.

Inclinations of certain roads.

12. In altering for the purposes of this Act the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
4	New Radnor -	Public highway	1 foot in 11 feet.
21	Llanfihangel Nant Melan	Do. do.	1 „ in 10 „
24	Do. do. -	Do. do.	1 „ in 10 „
41	Do. do. -	Do. do.	1 „ in 4½ „
55	Do. do. -	Do. do.	1 „ in 20 „
101	Do. do. -	Do. do.	1 „ in 13 „
1	Glascwm - -	Do. do.	
3	Do. - -	Turnpike road	1 „ in 12 „
3	Do. - -	Do. do.	1 „ in 20 „

Heights and spans of certain bridges.

13. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of

any heights and spans not less than the heights and spans hereinafter mentioned in connexion with those roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
4	New Radnor -	Public highway	14 feet	12 feet.
24	Llanfihangel Nant Melan	Do. do.	14 „	12 „
41	Do. do. -	Do. do.	14 „	12 „
3	Glascwm - -	Turnpike road	16 „	25 „
3	Do. - -	Do. do.	16 „	25 „
14	Llanfaredd - -	Do. do.	16 „	25 „
78	Do. - -	Public highway	14 „	12 „
14	Do. - -	Turnpike road	16 „	25 „

Widths of certain roadways.

14. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences or parapets thereof as the Company think fit, not being less than the respective widths herein-after specified; (that is to say,)

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
21	Llanfihangel Nant Melan -	Public highway	12 feet.
55	Do. do. -	Do. do.	15 „
101	Do. do. -	Do. do.	15 „
1	Glascwm -		
25	Do. - -	Do. do.	12 „
3	Do. - -	Turnpike road	25 „
64	Do. - -	Public highway	15 „
37	Llansaintfread in Elvel	Do. do.	15 „
83	Do. do. -	Do. do.	12 „
86	Do. do. -	Turnpike road	25 „
35	Llanfaredd -	Public highway	12 „

Company not to deviate turnpike road without consent of Radnorshire county roads board.

15. Notwithstanding anything shown on the deposited plans and sections, the Company, in altering or deviating the turnpike roads numbered on the deposited plans 3 in the parish of Glascwm, 14 in the parish of Llanfarredd, and 86 in the parish of Llansaintfread in Elvel, shall construct such alterations and deviations as may be necessary according to plans and sections to be agreed upon between the engineer of the Company and the engineer of the

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Radnorshire county roads board, and in case of difference between such respective engineers the matter or matters in dispute shall be settled by an engineer to be appointed by the Board of Trade.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

16. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of Her present Majesty, chapter twenty, a sum of ten thousand eight hundred and seventy-one pounds eighteen shillings and sevenpence consolidated three per centum annuities, being equal in value to five per centum upon one hundred and ninety-nine thousand five hundred and one pounds, the estimated cost of the railways authorised by the Act of 1874, was transferred unto the name of Her Majesty's Paymaster General, on account of the High Court of Justice (Chancery Division), in respect of the application to Parliament for that Act; and whereas the estimate of the expense of the railways by this Act authorised to be constructed in substitution for the railways authorised by the Act of 1874, and which are by this Act authorised to be abandoned, is one hundred and forty thousand pounds, five per centum upon which is equal to the sum of seven thousand three hundred and fifteen pounds consolidated three per centum annuities: Be it enacted that, notwithstanding anything contained in the said Act, the said last-mentioned sum of seven thousand three hundred and fifteen pounds of annuities shall not be 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 this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of one hundred and eighty thousand pounds, the capital by the Act of 1874 authorised to be raised by means of shares as reduced by this Act, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said last-mentioned annuities shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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Application of deposit.

17. The said last-mentioned sum of seven thousand three hundred and fifteen pounds annuities transferred 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 railway, 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 by this Act, 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 High Court of Justice (Chancery Division) may seem fit; and if no compensation shall be payable, or if a portion of the said sum of seven thousand three hundred and fifteen pounds of annuities shall have been found sufficient to satisfy all just claims in respect of such compensation, then the same, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the said Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the last-mentioned sum of annuities has been re-transferred to the transferors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, 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.

Released part of deposit.

18. On the application of the persons named in the said warrant or order issued in pursuance of the said Act of the ninth and tenth years of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act, the High Court of Justice (Chancery Division) may and shall order that the sum of three thousand five hundred and fifty-six pounds, part of the said sum of ten thousand eight

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hundred and seventy-one pounds eighteen shillings and sevenpence of annuities, and the dividends thereof, shall be transferred and paid to the persons or person so applying, or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

19. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

No station to be erected within two miles of Builth.

20. The Company or any other company or person on their behalf, or any company or person using their railway, shall not build or construct or cause to be built or constructed any station for passengers, goods, cattle, minerals, or other traffic whatsoever within two miles of any part of the town of Builth.

Use of portion of Mid Wales Railway and the Builth Station.

21. It shall be lawful for the Company, or any company or person lawfully using or working the railway of the Company, to work into and use the Builth Station of the Mid Wales Railway Company, and to run over and use so much of the railway of that Company as lies between the junction therewith of the proposed railway and the said Builth Station, together with the booking offices, sidings, watering places, or other conveniences upon or connected with such stations, and the terms and conditions of such user, and the tolls, charges, and payments to be made in respect thereof, and of running over the said portion of the Mid Wales Railway Company, shall be such as shall from time to time be agreed upon between the Company and the Mid Wales Railway Company or in default of agreement as may be prescribed by an arbitrator to be appointed by the Board of Trade, and the costs of arbitration shall be borne by the Company: Provided that the arbitrator in making his award only in respect of the user of and running over the portion of the Mid Wales Railway Company's railway herein-before mentioned shall in no case allow for the running over and user of so much of the Mid Wales Railway Company's railway as lies between the point of junction of the Company's railway and the Builth Station any sum less than that which the Mid Wales Railway Company, under their Acts of 1859 and 1860 (local and personal Acts, 22 & 23 Vict. and 23 & 24 Vict. respectively), might have or may charge for traffic of all kinds for a distance of four miles.

Any additional works at Builth

22. The Company shall pay to the Mid Wales Company five per cent. per annum upon the cost of all additional works which

shall be executed by the Mid Wales Company from time to time for the accommodation of traffic brought into the Builth Station by the Company, or by any other company which shall use the Company's line, and in case of difference as to the necessity for such works, or the nature or extent thereof, the amount to be paid therefor shall be settled by arbitration in manner provided by the Companies Clauses Consolidation Act, 1845.

Station for accommodation of the Company's traffic to be paid for by the Company.

23. During the exercise of the running powers over the portion of railway of the Mid Wales Railway Company by this Act conferred upon the Company, the railways of the Company and of the Mid Wales Railway 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 traffic conveyed partly on the railway of the Company and partly on the railway of the Mid Wales Railway 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 charges 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 Mid Wales Railway Company.

Tolls on traffic conveyed partly on the railway of the Company and partly on the railway of the Mid Wales Railway Company.

24. The Company shall not, out of any money which they are authorised to raise, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Deposits for future bills not to be paid out of capital.

25. Nothing contained in this Act shall authorise the said Company to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of her Crown, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown.

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

26. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better and 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 this Act.

Expenses of Act.

27. 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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