



CHAPTER viii.

An Act to enable the Manchester and Milford Railway Company to construct a Branch Railway to Devil's Bridge ;
and for other purposes. A.D. 1873.
[15th May 1873.]

WHEREAS by "The Manchester and Milford Railway Act, 1860," the Manchester and Milford Railway Company (in this Act called the Company) were incorporated and authorised to make a railway from Llanidloes in the county of Montgomery, to Pencader in the county of Carmarthen, and further powers have since been conferred upon them : 23 & 24 Vict.
c. clxxv.

And whereas it is expedient to enable the Company to construct the Branch Railway herein-after described, and also a station at Aberystwith, with all necessary works in connexion therewith :

And whereas it is expedient that the Company be authorised to raise further moneys for the purposes of this Act, upon the terms and subject to the conditions by this Act prescribed :

And whereas plans and sections, showing the line and levels of the said Branch Railway, and the situation of the said station, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes of this Act, have been duly deposited with the clerk of the peace for the county of Cardigan, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas it is intended that the Branch Railway should be constructed and worked as a Light Railway, subject to the provisions respecting Light Railways contained in "The Regulation of Railways Act, 1868 :

And whereas the purposes aforesaid 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,

A.D. 1873. and of the Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say.)

Short title.

1. This Act may be cited for all purposes as the Manchester and Milford Railway (Devil's Bridge Branch) Act, 1873.

Provisions of general Acts herein named incorporated.

2. The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters, that is to say, the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the consolidation of shares into stock, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested, and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) 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 or inconsistent with such construction; provided always, that the expression "Branch Railway" shall mean the railway, and include the station and works by this Act authorised; 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.

Power to make railway according to deposited plans.

4. Subject to the provisions of this Act, the Company 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, sidings, 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 (wholly situate in the county of Cardigan), seven miles and six furlongs in length, commencing by a junction

with the Company's existing line in the parish of Llanfihangel-y-Croyddyn, about 880 yards westward of the bridge carrying that line over the public road leading from the village of Llanilar to Crosswood, and terminating in a field or close of land in the said parish, called or known by the name of Rhosyddyn, belonging or reputed to belong to John Barton Balcombe, and occupied by Hugh Jones, and which field abuts on the west side of the public road leading from Devil's Bridge to Cwmystwyth. A.D. 1873.

5. Subject to the provisions of this Act, the Company may construct and maintain a station at Aberystwith, and, in addition to the other lands which they are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate for the purposes of such station, and for sidings and other purposes connected with their undertaking, certain lands delineated on the deposited plans and described in the deposited books of reference; (that is to say,)

Lands for
station at
Aberystwith.

Certain lands in the town, borough, and liberty of Aberystwith, in the parish of Llanbedern-fawr in the county of Cardigan, called or known by the name of Morfa-Mawr, bounded on the north partly by lands numbered 21 on the deposited plans, and partly by a public highway called Lewis-terrace; on the south by the public Smithfield, the public slaughter-house, and other land belonging to the Company; on the east by lands belonging to the Cambrian Railways Company; and on the west by a certain new road leading to the public slaughter-house at Aberystwith, called Morfa-Mawr-road, and the public Smithfield and public slaughter-house: Provided always, that the Company shall not enter upon, take, use, or appropriate any part of the said lands numbered 21 on the deposited plans, and now belonging or reputed to belong to the School Board of the borough of Aberystwith.

6. The Company may from time to time raise (in addition to the capital which they are now authorised to raise), by the creation and issue of new shares of ten pounds each in the undertaking of the Company, any further capital not exceeding forty thousand pounds, for the purposes of this Act, and all such new shares to be created under this Act are herein-after comprised under the name of the "Branch shares."

Power for
Company
to raise
additional
capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than

Shares not
to issue until
one fifth
paid.

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Disposition of new shares. 8. All shares created under the powers of this Act may be disposed of in such manner, and to such persons, and on such terms and conditions as the Company think fit.

Calls. 9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the least shall intervene between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Qualifications of new shareholders. 10. All shares created under the powers of this Act shall, in proportion to the aggregate nominal value of such shares held by the same person at the same time, confer the like qualifications and right of voting as original shares of the same aggregate nominal value in the Company would confer.

Interest to be paid on Branch capital. 11. The Company shall keep separate accounts of all receipts and payments from, for, or on account of the Branch Railway, and shall out of the gross receipts of the Branch Railway pay to the holders of Branch shares a fixed dividend at the rate of five pounds per centum per annum on the Branch shares, and the balance of such gross receipts, after such payment as aforesaid, shall be deemed to be and shall be gross receipts of the undertaking of the Company, and shall be applicable and applied accordingly: Provided always, that, except as aforesaid, the holders of Branch shares shall not in respect thereof have or be entitled to any interest or dividend out of any profits of the Company.

Branch railway to be charged with dividend. 12. The Branch Railway, and the tolls or sums payable to the Company in respect thereof, shall be and the same are hereby declared to be charged with and liable for the payment of the dividends which shall from time to time become due under the provisions of this Act in respect of the Branch shares, in priority to all other debts, engagements, or liabilities of the Company; but if in any year ending on the thirty-first day of December the gross receipts of the Branch Railway are insufficient for the payment of the full amount of the dividend on the Branch shares for that year, no part of the deficiency shall be made good out of the gross receipts of any subsequent year or out of any other funds of the Company.

Appointment of receiver. 13. The holders of Branch shares may enforce payment of the arrears of dividend by the appointment of a receiver over the tolls of the Branch Railway, in like manner and subject to the like

conditions as mortgagees of the Company may by the appointment of a receiver enforce payment of principal or interest. And for such purpose the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the appointment, powers, and duties of a receiver shall be deemed to be incorporated with this section, and for the purpose of such incorporation the term "mortgagees" in the said provisions shall be construed to mean holders of Branch shares.

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14. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed five acres.

Lands for extraordinary purposes.

15. 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.

Powers for compulsory purchase limited.

16. Subject to the provisions in "The Railway Clauses Consolidation Act, 1845," and in Part I. (relating to the construction of a railway) of "The Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the Branch Railway, carry the same with a single line only, whilst the Branch 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,)

Level crossing.

No. on deposited Plan.	Parish.	Description of Road.
84	Llanfihangel-y-Croyddyn.	Public.

17. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

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Security for
completion
of railway.

18. 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 being five per centum upon the amount of the estimate in respect of the Branch Railway has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not 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 this Act for completion of the Branch Railway, either open the same 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 the capital by this Act authorised to be raised by means of shares, 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 Branch Railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid 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.

Application
of deposit.

19. The said sum of money deposited 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 Branch 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 Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just

claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England 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 direction of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall be wholly or in part paid or transferred to such receiver or to the liquidator or the 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 said sum of money has been repaid to the depositors, 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. A.D. 1873

20. If the Branch 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 Branch Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. Period for completion of works.

21. Except as by this Act specially provided, the lands and property from time to time acquired by the Company under this Act, and the Branch Railway and works and station by this Act authorised, shall, for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company, as if the Company had by "The Manchester and Milford Railway Act, 1860," been authorised to acquire, make, and maintain the same: Provided always, that after the opening of the Branch Railway for public traffic the Company will work the Branch Railway and convey traffic thereon in a proper manner, and so as fairly to accommodate and develop the traffic of the district to be served by the Branch Railway. In case any difference shall arise between the Company and any of the holders of Branch shares with respect to the working or non-working or insufficient working by the Company of the Branch Railway, or otherwise in relation thereto, whereby the holders of Branch shares deem themselves to be injuriously affected, such difference shall be settled by an arbitrator to be appointed by Railway and works to be part of the undertaking of the Company.

A.D. 1873. — the Board of Trade, on the application of either party, and such arbitrator shall have full power to settle and determine any such difference, and to order the Company to do or to abstain from doing all such acts, matters, and things as he shall think fit, and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any of the requirements of any such order within the time thereby prescribed, then, and in every such case, the Company shall for every such default be liable to a penalty not exceeding fifty pounds, and to a further penalty for every day (after the first) during which such default shall continue.

Interest not
to be paid
on calls paid
up.

22. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

23. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may require 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.

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

24. Nothing in this Act contained shall exempt the Branch Railway 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 the recited Act.

Expenses of
Act.

25. 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.