



ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

Cap. cl.

An Act to enable the *Manchester and Milford Railway Company* to construct a Branch Railway from the *Devil's Bridge* to *Aberystwith*; and for other Purposes. [11th July 1861.]

WHEREAS by the "*Manchester and Milford Railway Act, 1860*," the *Manchester and Milford Railway Company* (in this Act called "the Company") were incorporated and authorized to make a Railway from *Llanidloes* in the County of *Montgomery* to *Pencader* in the County of *Carmarthen*: And whereas it is expedient that the Company should be enabled to construct the Railway herein-after described: And whereas Plans showing the Line of the proposed Railway, and Sections showing the Levels thereof, and a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands shown on the said Plans, have been deposited with the Clerk of the Peace for the County of *Cardigan*: And whereas it is expedient that the *Llanidloes and Newtown Railway Company* should be authorized to contribute towards the Funds of the Company: And whereas it is expedient that the Company, and the *London and North-western*, the *Great Western*, and the *Llanidloes and Newtown Railway*

23 & 24 Vict. c. clxxv.

[Local.]

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Companies,

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Companies, herein-after called the Three Companies, should be enabled to enter into Working and Traffic and Station Arrangements as herein-after mentioned: And whereas the Objects 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.** This Act may be cited for any Purpose as the "*Manchester and Milford Railway (Aberystwith Branch) Act, 1861.*"
- 8 & 9 Vict.
cc. 18. & 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,*" so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with this Act.
- Same Mean-
ings to
Words in in-
corporated
Acts as in
this Act. **3.** Except as is by this Act otherwise provided, the several Words and Expressions to which in the Acts incorporated wholly or partially with this Act Meanings are assigned, shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.
- Power to
take Lands. **4.** Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described in the deposited Book of Reference.
- Powers for
compulsory
Purchases
limited. **5.** The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.
- Limiting
Time for
Completion
of Works. **6.** The Railway by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.
- Lands for ex-
traordinary
Purposes. **7.** The Company from Time to Time, in addition to the other Lands which they are by this Act authorized to purchase, may by Agreement purchase any Quantity of Land not exceeding Twenty Acres, adjoining or near to the Railway for any of the extraordinary Purposes specified in "*The Railways Clauses Consolidation Act, 1845.*"
- 8.** Subject

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8. Subject to the Provisions of this Act, the Company from Time to Time may make the Railway and Works by this Act authorized in the Lines and in accordance with the Levels shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use.

Power to make Railway.

9. It shall be lawful for the Company to make and maintain the Railway and Works herein-after described, with all proper Stations, Works, and Conveniences connected therewith; (that is to say,)

Railway and Works authorized.

A Railway commencing by a Junction with the authorized Line of the *Manchester and Milford* Railway in the Parish of *Llanfihangel-y-Croyddin*, and terminating at or near the Town of *Aberystwith* in the Parish of *Llanbadarnfawr*, all in the County of *Cardigan* :

And the Railway by this Act authorized shall be deemed, for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Undertaking of the Company.

10. It shall be lawful for the Company and the Three Companies, or for the Company and any of the Three Companies, from Time to Time to make such Agreements as shall be deemed expedient by and between the said Companies, or such of them as may be Parties to any such Agreement, for and with reference to the Interchange and forwarding of Traffic passing to or from the Railways of the Company from or to the Railways of the said other Companies, or such of them as may be Parties to any such Agreement, and also with reference to the Rates, Tolls, or Charges to be charged by or between the said Companies, or such of them as may be Parties as aforesaid, for or in respect of any Traffic, and the Division and Apportionment between the said Companies, or such of them as may be Parties as aforesaid, of such Rates, Tolls, and Charges, and such Agreements from Time to Time to alter and vary as Occasion may require, and also for all or any of the Purposes aforesaid to make and execute all such Deeds, Contracts, Instruments, and Assurances as may be deemed requisite or expedient for giving to the Matters and Premises aforesaid full Effect.

Power to make Traffic Arrangements with the Companies.

11. It shall be lawful for the Company and the Three Companies, and for the Company and any of the Three Companies, from Time to Time to make Agreements for and with reference to the working of the Traffic upon the Railways of the Company or any Part thereof, with the Engines and Carriages of the Three Companies. or any of such Companies, and for and with reference to the joint or several Construction, Use, Appropriation, Management, and Occupation of the whole or Part of any Station of the Company at or near any Terminus of any Railway of the Company: Provided always, that no such Agreement which the Company may, in pursuance of the Powers contained in this and the preceding Enact-

Power to make Working Agreements.

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such Companies shall enter into any such further Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement in a Form to be approved of by the Board of Trade inserted once in each of Two successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situate, and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objection before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved by the Board of Trade: Provided always, that no such Agreement shall have any Operation or Effect, unless and until the same shall have been submitted to and approved of by a Majority of the Shareholders of each of the Companies Parties thereto respectively in Special Meeting assembled for that Purpose, such Majority holding at least Three Fifths of the paid-up Capital of the Company represented at such Meeting, personally or by Proxy, such Shareholders being qualified to vote thereat in right of such Capital; and every such Meeting shall be convened by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in London, and in some Newspaper of the County in which the principal Office of each Company which may be a Party to such Agreement may be situate.

Public
Notice to be
given of the
Intention to
enter into
Agreements;

inoperative
unless ap-
proved by
the Board of
Trade.

15. 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 Eight thousand eight hundred Pounds, being Eight Pounds *per Centum* upon the Amount of the Estimate in respect of the new Railway authorized by this Act, 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 of Eight thousand eight hundred Pounds so deposited as aforesaid in respect of the Application for this Act, 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 this Act for the Completion of the Railway, either open the Railway 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 paid up One Half of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such

Deposit
Money not
to be repaid
until Line
opened or
Half the
Capital paid
up and ex-
pended,
except on
execution of
Bond, &c.

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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 Lords of the said Committee, the said Sum of Eight thousand eight hundred Pounds, 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 Sum of Eight thousand eight hundred Pounds 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 of the Lords Commissioners of Her Majesty's Treasury, conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Eight thousand eight hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 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 Facts so certified.

Power to
Company to
increase
their Share
Capital.

16. It shall be lawful for the Company at any Time and from Time to Time to raise by the Creation of Shares in their Undertaking, in addition to the Sum of Five hundred and fifty-five thousand Pounds authorized to be raised by Shares by "The *Manchester and Milford Railway Act,*

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Act, 1860," such further Sums of Money as they shall from Time to Time deem necessary or expedient, not exceeding in the whole One hundred and eleven thousand Pounds, and all further Sums so raised shall form Part of the general Capital of the Company, and all additional Shares created and issued by the Company under the Authority of this Act shall be ordinary Shares, and shall respectively be of the same Amount, and shall confer upon the Holders thereof the same Rights and Privileges only, and shall be subject to the same Provisions in all respects, whether with reference to the Amount and Times of making Calls, to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise howsoever, as if they had been created under the Authority of "The Manchester and Milford Railway Act, 1860," and all and every Part of the Money raised by the Creation of such Shares shall be applied only to the Purposes authorized by the recited Act and this Act or One of them.

17. When and so soon as the whole Amount which the Company are authorized to raise by Shares by this Act shall have been subscribed for and One Half thereof shall have been paid up, and they shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Company may borrow on Mortgage of their Undertaking, in addition to the Sum of One hundred and eighty-five thousand Pounds by the said Act authorized to be borrowed, any further Sum or Sums not exceeding in the whole Thirty-seven thousand Pounds, and the Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money on Mortgage or Bond, and with respect to the Conversion of borrowed Money into Capital, shall apply to such further Sum or Sums, and all and every Part of the Monies borrowed under the Authority of this Act shall be applied only to Purposes authorized by the recited Act and this Act or One of them.

Power to
borrow
further Sum
on Mortgage.

18. All Mortgages granted by the Company under the Authority of the recited Act, and which shall be subsisting at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages to be granted by the Company under the Authority of this Act.

Priority of
Mortgages.

19. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of any Shares held by him in the Capital by this Act authorized

Interest not
to be paid on
Calls paid
up.

to

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to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

20. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purpose of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Power to Llanidloes and Newtown Railway Company to subscribe and hold Shares in Undertaking, and raise Capital for the Purpose.

21. It shall be lawful for the *Llanidloes and Newtown* Railway Company, with the Consent of Three Fifths of the Votes of the Proprietors present, in Person or by Proxy, at any General Meeting specially convened for the Purpose, to acquire, take, and hold Shares in the Undertaking of the Company to any Extent not exceeding Twenty thousand Pounds, and for such Purpose to create new Shares in their Undertaking, and to appropriate and dispose of such Shares in such Manner and to such Persons and for such Amounts as shall be determined by such Meeting; and the Provisions of "The Companies Clauses Consolidation Act, 1845," "with respect to the Transmission of Shares," and "with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls," and "with respect to the Forfeiture of Shares for Non-payment of Calls," and "with respect to the Consolidation of Shares into Stock," shall be applicable to the raising of such Sums by the *Llanidloes and Newtown* Railway Company, and to the Shares hereby authorized to be created, and to the Holders or Proprietors of such Shares.

Power to create new Shares for that Purpose.

22. For the Purpose of raising the Sums by this Act authorized to be subscribed by them, the *Llanidloes and Newtown* Railway Company, with such Consent as aforesaid, may create and issue new Shares or Stock in their Undertakings of such Amount, and to be appropriated and disposed of in such Manner, and to such Persons, and upon such Terms, and with such Priority in Payment of Interest or Dividend as shall be determined by such Meeting; and the Shares so to be created and issued shall be entitled to the preferential Dividend (if any) which may have been assigned to them as aforesaid out of the Profits of each Year in priority to the ordinary Shares of the *Llanidloes and Newtown* Railway Company; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits available for the Payment of the full Amount of such preferential

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ferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of such Company: Provided always, that no Shares so to be created shall be entitled to a preferential Interest or Dividend exceeding Five Pounds *per Centum per Annum*, and that the Amount to be paid in respect of such Shares shall not be less than the nominal Value thereof, and that the Terms and Conditions to which those Shares are subjected by the Provisions of this Act shall be clearly stated in the Certificate of every such preferential Share.

23. One Fifth of the total Amount of any Share created by the *Llanidloes and Newtown Railway Company* under the Authority of this Act shall be the greatest Amount of any One Call made in respect of such Shares, and Two Months at the least shall be the Interval between successive Calls in respect of such Share, and the aggregate Amount of Calls to be made in any One Year on any such Share shall not exceed Four Fifths of the total Amount thereof.

Limiting the Amount of Calls on Shares.

24. This Act or the granting of any such Preference or Priority as aforesaid shall not prejudice or affect any Preference or Priority in Payment of Interest or Dividend in any other Shares or Stock which shall have been previously granted by the *Llanidloes and Newtown Railway Company*, in pursuance of or which may have been confirmed by any Act of Parliament heretofore passed, or which may otherwise be lawfully subsisting.

Saving Rights of existing Preference Shareholders.

25. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by 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 authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

26. Nothing in this Act contained shall be deemed or construed to exempt the Railway by this Act authorized to be constructed, or 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,

Railway not exempt from Provisions of present and future General Acts.

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panies, 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 of Fares and Charges and of the maximum Rates for small Parcels authorized by any Act relating to the Company.

Expenses of Act.

27. The Costs, Charges, and Expenses of and incidental to the passing of this Act and preparatory thereto shall be paid by the Company.

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