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## Cap. clxii.

An Act to enable the *Carnarvonshire* Railway Company to make Deviations in their authorized Railway; and for other Purposes.

[25th July 1867.]

**W**HEREAS by the *Carnarvonshire* Railway Act, 1862, 25 & 26 Vict. c. ccii. (herein-after called "the recited Act,") the *Carnarvonshire* Railway Company (herein-after called "the Company") were incorporated, and were authorized to make and maintain a Railway from *Carnarvon* to *Portmadoc* in the County of *Carnarvon*: And whereas by the *Carnarvonshire* Railway Act, 1865, the Powers of the Company for the compulsory Purchase of Land and Completion of the Railway were extended: And whereas it is expedient that the Company be empowered to make Deviations in the said Railway, and to cross on the Level certain Roads shown on the Plans and Sections deposited with the Clerk of the Peace for the County of *Carnarvon* in respect of that Railway, and which Plans are herein-after referred to as the Plans and Sections of 1862: And whereas Plans and Sections showing the Lines and Levels of the proposed Deviations, and the Lands which the Company are by this Act empowered to acquire for the Purposes thereof, and Books of Reference to such Plans containing

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the



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the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Clerk of the Peace for the County of *Carnarvon*, and those Plans, Sections, and Books of Reference are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas it is expedient that the Company be empowered to run over, work, and use a Portion of the *Cambrian* Railways 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 all Purposes as "The *Carnarvonshire* Railway (Deviations) Act, 1867."

8 & 9 Vict. cc. 18. & 20.,  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. c. 92. incor-  
porated. 2. The Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, 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.

Interpreta-  
tion of  
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned 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 Company" shall mean the Company incorporated by the recited Act; the Expression "the Railway" or "the Deviations" shall mean the Deviations and other Works, and the Expression "the Undertaking" shall mean the Undertaking by this Act authorized; and 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 Rail-  
way accord-  
ing to de-  
posited 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, 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



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Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

A Deviation (No. 1.), Four Miles and Two Furlongs or thereabouts in Length, commencing in the Parish of *Clynnog* in a Field numbered 60 on the Plans of 1862, and terminating in the Parish of *Llanystumdwy* in a Field numbered 145 on those Plans:

A Deviation (No. 2.), Five Furlongs or thereabouts in Length, commencing in the Parish of *Llanarmon* in a Field numbered 93a on the Plans of 1862, and terminating in the said Parish of *Llanarmon* in a Field numbered 29 on those Plans.

5. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Powers for compulsory Purchases limited.

6. The Railway shall be completed within Two Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

7. Subject to the Provisions in the Railways 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 Railway authorized by the recited Act carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Roads next herein-after mentioned; (that is to say,)

Powers to cross certain Roads on the Level.

| No. on Plans of 1862. | Parish.       | Description of Road. |
|-----------------------|---------------|----------------------|
| 126                   | Llanarmon - - | Public Road.         |
| 84                    | Llanarmon - - | Public Road.         |

8. The Company may make the Arch of the Bridge for carrying the Railway over the Road numbered 38 in the Parish of *Llanarmon* on the Plans of 1862 of the Height of Fourteen Feet, and of a Span of Twenty-five Feet.

Height and Span of Arch.

9. The Company shall abandon the Construction of so much of the Railway authorized by the recited Act as lies between the herein-before described Points of Deviation of that Railway.

Company may abandon Portions of authorized Line.

10. The Abandonment by the Company under the Authority of this Act of any Portion of any Railway or Works shall not prejudice

Compensation for Damage to

or



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Land by  
Entry, &c.  
for Purposes  
of Railways  
abandoned.

or affect the Right of the Owner or Occupier of any Land to receive Compensation, in accordance with the Provisions in that Behalf of the Lands Clauses Consolidation Act, 1845, 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, in accordance with the Provisions in that Behalf of the Railways Clauses Consolidation Act, 1845, 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 recited Act.

Compensa-  
tion to be  
made in  
respect of  
Portions of  
Railways  
abandoned.

**11.** 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 authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, 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, for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Railway as  
to Tolls and  
otherwise to  
form Part of  
Company's  
Undertaking.

**12.** The Company may demand and receive for and in respect of the Railway the same Tolls and Charges as they are now empowered to receive in respect of their existing Undertaking, and the Railway shall in all respects be deemed Part of the Railway of the Company as if authorized by the recited Act.

Running  
Powers over  
Part of  
Cambrian  
Railways.

**13.** The Company, or any other Company, Body, or Persons working the Railways of the Company, may run over, work, and use so much of the *Cambrian* Railways as lies between *Pwllheli* and *Portmadoc*, including the Stations at or between those Points.

Use of Part  
of Railway  
by Cambrian  
Railways  
Company.

**14.** The *Cambrian* Railways Company, or any other Company, Body, or Persons working their Railways, may at all Times run over, work, and use so much of the Railway of the Company as lies between the Company's Stations at *Afonwen* and *Carnarvon*, including the Company's Stations at or between those Points.

**15.** Except



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**15.** Except as by or under the Authority of this Act otherwise provided, agreed, or determined, each Company and Person working, running over, or using, under the Authority of this Act, any Portion of Railway or Stations may also from Time to Time exercise the following Powers; (to wit,) Accessories  
to Running  
Powers.

They may use the Portions of Railway or Station, with their Engines, Carriages, Trucks, Officers, and Servants, and for Traffic of every Description, and whatsoever its Route or Destination:

They may likewise use all Stations, Sidings, Offices, Buildings, Platforms, Approaches, Water Engines, Supplies of Water, Signals, Signal Posts, Telegraphs, Machinery, Works, and Conveniences on or connected or used with such Portions of Railway or Stations:

They may demand and take upon and in respect of the Portions of Railway or Stations so used Tolls, Rates, and Charges not exceeding those which the Company owning the Portions of Railway or Stations are for the Time being authorized to take thereon or in respect thereof:

But in using the Portions of Railway or Stations they shall not, except with the Consent in Writing of the respective Company owning the same, take up at any Station of that Company any Traffic, and deliver the same at another Station of that Company, under a Penalty of Fifty Pounds (to be paid to that Company) for every Violation of this Restriction.

**16.** The Terms, Conditions, and Regulations for or in respect of the Use of the said Portion of Railway and Stations, or any Part thereof respectively, and the Tolls and other Considerations to be paid for the same, shall, if not agreed upon between the respective Companies, be from Time to Time determined by an Arbitrator to be appointed by the Board of Trade on the Application of either Company. Terms for  
such Use.

**17.** During the Continuance, under the Provisions of this Act, of the Use of the Portions of the Railway of the *Cambrian* Railways Company and of the Company respectively, those Portions of Railway respectively 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 and partly on the Railway of the *Cambrian* Railways 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 Tolls on  
Traffic con-  
veyed partly  
on the Rail-  
way and  
partly on the  
*Cambrian*  
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only ; and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, or Goods partly on the Railway and partly on the Railway of the *Cambrian Railways Company*.

Interest not to be paid on Calls paid up.

18. The Company shall not, out of any Money which they are authorized to raise by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him : Provided always, that this Act shall not 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.

19. The Company shall not, out of any Money which they are authorized 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 authorizing 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.

20. Nothing herein contained shall be deemed or construed to exempt the 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, authorized by this Act.

Expenses of Act.

21. 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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