



CHAPTER clxxv.

An Act for incorporating the North Wales Narrow Gauge A.D. 1872.
Railways Company ; and for other purposes.

[6th August 1872.]

WHEREAS the making and maintaining of the railways by this Act authorised would be of public and local advantage :

And whereas the several persons herein-after named, with others, are willing at their own expense to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the company incorporated by this Act (in this Act referred to as "the Company") should be authorised to run over, work, and use the railway of the Croesor and Portmadoc Railway Company :

And whereas it is expedient that the Company and the Festiniog Railway Company should be empowered to enter into and carry into effect working and other arrangements as herein-after provided :

And whereas plans and sections showing the lines and levels of the proposed railways, and the lands by this Act authorised to be acquired for the purposes thereof, and a book of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the respective clerks of the peace for the counties of Carnarvon and Merioneth, and those plans, sections, and that book of reference are in this Act referred to as the deposited plans, sections, and book 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 :

1. This Act may be cited for all purposes as "The North Wales Short title.
Narrow Gauge Railways Act, 1872."

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Provisions
of general
Acts herein
named in-
corporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by or inconsistent with 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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the railways" means the railways by this Act authorised, 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.

Company
incorporated.

4. Livingston Thompson, Sir Llewellyn Turner, Hugh Beaver Roberts, and James Hewitt Oliver, and all other persons and corporations who have already subscribed or shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The North Wales Narrow Gauge Railways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to
make rail-
ways accord-
ing to depo-
sited plans.

5. 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 works by this Act authorised, with all proper stations, approaches, works, and conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

Description
of works.

6. The works by this Act authorised are :

A railway, on the deposited plans called railway No. 1 (22 miles 6 furlongs and 4·80 chains in length), commencing in

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the parish of Llanfrothen in the county of Merioneth by a junction with the Croesor and Portmadoc Railway, and terminating in a field called Cae Isa on a farm called Graig-glan-Conway in the parish of Bettws-y-coed in the county of Carnarvon, belonging or reputed to belong to the Lady Willoughby d'Eresby, and now or late in the occupation of John Jones :

A railway, on the deposited plans called railway No. 6 (5 miles and 9·50 chains in length), commencing in the parish of Llanwnda in the county of Carnarvon on the east side of the Carnarvonshire railway, and terminating in the parish of Llandwrog in the said county at a point about four chains and fifty links measured in an easterly direction from the south-east corner of the farmhouse called Vron Haulog :

A railway, on the deposited plans called railway No. 7 (7 miles 1 furlong and 8 chains in length), commencing in the said parish of Llanwnda by a junction with railway No. 6, and terminating in the parish of Beddgelert in a field called Cae Mawr on Ffridd Isaf Farm, belonging or reputed to belong to William Griffith, Esquire, and now or late in the occupation of Edward Owen.

7. The undertaking of the Company under this Act shall consist of two several and distinct sections, each of which shall be deemed to be a separate undertaking, and which shall respectively be called the "general undertaking" and "the Moel Tryfan undertaking." The general undertaking shall consist of the railway No. 1 by this Act authorised, and the works and conveniences connected therewith respectively, and the Moel Tryfan undertaking shall consist of and comprise the railways No. 6 and No. 7 by this Act authorised, and the works and conveniences connected therewith respectively.

Defining the several undertakings of the Company.

8. The capital of the Company shall consist of two hundred and sixteen thousand pounds in twenty-one thousand six hundred shares of ten pounds each, and of that capital one hundred and fifty thousand pounds shall be deemed to be the capital of the general undertaking, and sixty-six thousand pounds shall be deemed to be the capital of the Moel Tryfan undertaking.

Capital.

9. The shares in each separate undertaking of the Company shall be designated by a distinctive title in the books of the Company, and on the certificates issued for the same.

Shares in each undertaking to bear a distinctive title.

10. The Company shall keep separate accounts of all receipts and payments from, for, or on account of each of their separate undertakings under this Act, and the balance of the receipts of each

Keeping separate accounts and as to ascer-

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maintaining different profits of each undertaking.

undertaking, after deducting therefrom the expenses of working and maintaining such separate undertaking, and such portion of the general expenses of the Company for management and otherwise as the Company, at a meeting specially convened with notice of this object, shall determine to be applicable to or chargeable against such separate undertaking, and after deducting all rates, rents, and taxes payable on or in respect of the railways and works forming such separate undertaking, and all interest on borrowed money for the time being secured or chargeable upon such separate undertaking, shall for the purposes of this Act be deemed to be the profits of such separate undertaking applicable to dividend. The profits of the Company to be derived from the exercise of the powers by this Act conferred upon them of using the Croesor and Portmadoc Railway shall be deemed to be profits of the general undertaking.

Application of divisible profits of each undertaking.

11. The profits of each separate undertaking of the Company from time to time applicable to dividend shall be applicable wholly in payment of interest or dividend on the paid-up capital for the time being of that undertaking, and the holders of shares in any one undertaking of the Company shall not in respect thereof be entitled to interest or dividend out of the profits of any other undertaking of the Company.

Shares in one undertaking not to confer right of voting in respect of any other undertaking.

12. The shares in either separate undertaking of the Company shall not confer any right of voting in respect thereof at any meeting of the Company on any question or proceeding which shall not directly affect that separate undertaking.

Shares not to be issued until one fifth part paid up.

13. 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 one fifth of the amount of such share has been paid in respect thereof.

Calls.

14. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval 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.

Power to divide shares.

15. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders in either separate undertaking, and present in person or by proxy at a general meeting of the shareholders in such separate undertaking specially convened for the purpose, may from time to time divide any share in the capital of such separate undertaking into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that no

share shall be divided under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share, (being the whole amount payable thereon,) and the residue to the credit of the preferred half share.

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16. The dividend which would from time to time be payable on any divided share if the same had continued an entire share, shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the shareholders in the separate undertaking specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and no greater amount of dividend shall be paid on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on half shares.

17. Each preferred half share shall be entitled, out of the profits of each year applicable in that behalf, to the dividend which may have been attached to it as aforesaid in priority to the deferred half share bearing the same number, 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 dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of the profits of any other undertaking of the Company, or out of any other funds of the Company.

Dividend on preferred shares to be paid out of the profits of the year only.

18. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Half shares to be registered and certificates issued.

19. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share,

Terms of issue to be stated in certificates.

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Forfeiture of preferred shares.

20. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon, if the same had not been forfeited, shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of call for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

21. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

22. The several half shares under this Act shall be half shares in the capital of the separate undertaking of the Company of which the entire share formed part, and every two preferred or deferred half shares in any undertaking of the Company, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, disqualifications, privileges, liabilities, and incidents as attach and are incident to an entire share in the same undertaking.

Power to borrow on mortgage.

23. The Company may from time to time borrow on mortgage any sum or sums not exceeding the following; that is to say,

In respect of the capital of one hundred and fifty thousand pounds of the general undertaking, the sum of fifty thousand pounds; and

In respect of the capital of sixty-six thousand pounds of the Moel Tryfan undertaking, the sum of twenty-two thousand pounds;

but no part of those respective sums shall be borrowed until the whole separate capital in respect of which it is borrowed shall have been subscribed for, issued, and accepted, and one half thereof paid up, and the Company shall have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such separate capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such separate capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such separate capital was

issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof. A.D. 1872.

24. Any money which the Company borrow in respect of the capital of either of their separate undertakings shall be borrowed on mortgage of the respective undertaking alone, and no mortgage made by the Company shall be a charge upon or confer any right or remedy against any undertaking, tolls, rates, charges, or calls, or against the Company in respect of any tolls, rates, charges, or calls, other than the separate undertaking, tolls, rates, charges, and calls by such mortgage expressed to be assigned. Mortgages to be charged on the several undertakings.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less, as regards mortgages charged on the general undertaking, than five thousand pounds in the whole, and as regards mortgages charged on the Moel Tryfan undertaking, than two thousand pounds in the whole. Arrears may be enforced by appointment of a receiver.

26. The Company may create and issue debenture stock. Debenture stock.

27. Notwithstanding anything in Part III. of the Companies Clauses Act, 1863, contained, the interest of all debenture stock at any time to be created and issued by the Company shall rank pari passu with the interest of all mortgages upon the same separate undertaking to be at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Interest on mortgages and debenture stock to rank equally.

28. The receipt of the guardian of any shareholder being a minor, or of the committee of any shareholder being an idiot, lunatic, or person non compos mentis, shall be a sufficient discharge to the Company for any money payable to such shareholder. Receipts for persons under disability.

29. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only. Application of moneys.

30. The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

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Number of directors.

31. The number of directors shall be seven, but the Company may from time to time reduce the number, provided that the number be not less than four.

Qualification of directors.

32. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum.

33. The quorum of a meeting of directors shall be three, but if the number of directors be reduced to four, the quorum shall be two.

First directors.

34. Livingston Thompson, Sir Llewellyn Turner, Hugh Beaver Roberts, and James Hewitt Oliver, and such three other duly qualified persons as they, or the majority of them, shall nominate in that behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present, in person or by proxy, may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid, being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present, in person or by proxy, shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified and not having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extraordinary purposes.

35. 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.

Powers for compulsory purchases limited.

36. 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 a certain road on the level.

37. 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 carry the same with a single line of railway only whilst the railway shall consist of a single line, and

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afterwards with a double line of railway only, across and on the level of the public carriage road, numbered on the deposited plans of railway (No. 1) 5 in the parish of Beddgelert. A.D. 1872.

38. 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,) Inclination
of roads.

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
RAILWAY No. 1.			
59	Beddgelert - -	Turnpike road - -	1 in 14.
291	Beddgelert - -	Turnpike road - -	1 in 23 on one side and 1 in 17 on the other side.

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
RAILWAY No. 6.			
72	Llanwnda - -	Public road - -	1 in 12 on one side and level on the other side.
90	Llanwnda - -	Public road - -	1 in 12 on one side and level on the other side.

39. The Company may make the arches of the bridges for carrying the works by this Act authorised over the roads next herein-after mentioned of any spans not less than those herein-after mentioned in connexion with those roads respectively; (that is to say,) Span of
bridges.

No. on deposited plan.	Parish.	Description of road.	Span.
RAILWAY No. 1.			
59	Beddgelert - -	Turnpike road - -	30 feet.
47	Bettws-y-Coed - -	Public road - -	20 feet.

40. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notices placed in public view, upon or within a Notice to be
given of
taking
houses of
labouring
classes.

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Gauge of railway.

41. The railways shall be made, maintained, and worked on a gauge of two feet: Provided that it shall be lawful for the Company at any time hereafter, with the previous approval of the Board of Trade, to increase the gauge of the railways, or any of them, or any part or parts thereof respectively, from two feet to any gauge not exceeding four feet eight inches and a half.

Provisions in the event of the North-western Company's Bettws and Festiniog Railway being authorised.

42. If the London and North-western Railway (Additional Powers) Bill (herein-after called "The North-western Company's Bill") shall have passed or shall pass into a law during the present session, and that Company be thereby authorised to construct the Bettws and Festiniog Railway, the following provisions shall (unless the two Companies otherwise agree with respect to all or any of such provisions) have effect:

- A. The railway No. 1 by this Act authorised, and the Bettws and Festiniog Railway, so far as the same respectively are shown upon the plan herein-after mentioned, shall be constructed only in the lines shown on, and otherwise in accordance with the plan signed in duplicate by John Dent Dent, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act and the North-western Company's Bill were referred:
- B. The Company shall make a junction between railway No. 1 and the Bettws and Festiniog Railway at the point marked A. on the said plan:
- C. The Company may, subject to any general byelaws for the time being in force of the North-western Company, run over, work, and use with their engines and carriages for their passengers, mineral, and merchandise traffic (with their clerks only for their passenger traffic, and with their clerks, officers, and servants for their other traffic), so much of the railways of the North-western Company as will lie between the junction as aforesaid of railway No. 1 with the Bettws and Festiniog Railway, and the Bettws-y-coed station of the North-western Company, together with so much of that station as shall be laid out by that company with narrow gauge rails, and the sidings, platforms, booking offices, water, watering places, standing room for engines, signals, and other works and conveniences belonging to or connected with the

said portion of railway and station; and the North-western Company shall make all necessary arrangements for that purpose (including, if necessary, the laying down of additional narrow gauge rails), and afford all reasonable facilities and perform all reasonable services for the passage, reception, delivery, and transmission of traffic to or from the railway of the Company:

- D. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company for and in respect of the exercise of such running over and user powers conferred by the last preceding provision shall be such as are from time to time agreed upon between the two companies, or, failing such agreement, as may from time to time be determined by arbitration in manner herein-after provided:
- E. Any difference which may arise between the two companies under this section shall be determined by a single arbitrator in manner provided by the Railway Companies Arbitration Act, 1859.

43. The Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the time being having the management and direction of the land revenues of the Crown in the county of Carnarvon, may, with the consent of the Commissioners of Her Majesty's Treasury, demise or lease or enter into any contract for demising or leasing to the Company and their successors any land belonging to the Crown and under the management of the said commissioners or commissioner which may be required for the works of the Company for any term or number of years not exceeding nine hundred and ninety-nine years, upon such terms generally and subject to such covenants, conditions, restrictions, and regulations as may be agreed upon.

Commis-
sioners of
Woods em-
powered to
lease Crown
land.

44. It shall be lawful for the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, or any grantees, lessees, or tenants under the Crown, with the consent of the said commissioners or commissioner, at their own expense, to make and maintain, use and enjoy from time to time such and so many sidings and junctions from and with the railway No. 6 to communicate with any Crown land or any roads, tramways, works, quarries, or mines thereon or therein as the said commissioners or commissioner shall think reasonable, one month's notice in writing being in every case given to the Company or left at the Company's office before any such siding or junction is constructed: Provided that no such siding or junction shall be made so as to

And may
make sidings
and junc-
tions, &c.

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Saving
rights of
the Crown.

45. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the 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, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same commissioners 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 the said Act or Acts 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.

Company not
to take up or
set down
passengers
on certain
portion of
railway on
Sundays.

46. It shall not be lawful for the Company directly or indirectly to take up or set down any passenger at any part of the railway No. 1 within five miles from the Waterloo Bridge at Bettws-y-coed between the hours of five in the morning and ten at night on any Sunday, unless required by parliamentary enactment or for governmental service, under the penalty of five pounds for each and every breach of this enactment, the same to be paid by the said Company to the owner for the time being of the Gwydyr Estate as and for liquidated and settled damages, and on nonpayment thereof the same may be recovered by such owner accordingly.

Confirming
agreement in
schedule.

47. The memorandum of agreement, dated the ninth day of April one thousand eight hundred and seventy-two, and expressed to be made between the Croesor and Portmadoc Railway Company and the promoters of the North Wales Narrow Gauge Railways Company, a copy whereof is set forth in the schedule to this Act, is hereby confirmed and made binding upon the Croesor and Port-

madoc Railway Company and upon the Company: Provided that the confirmation of such agreement or anything in this Act contained shall not give to the Croesor and Portmadoc Railway Company any right or power over or upon or in respect of any property of the Cambrian Railways Company which they did not possess before the passing of this Act.

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48. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, the sum of twenty-three thousand two hundred and fifty-six pounds four shillings and fivepence new three pounds per centum annuities, being equal at the price at which the said annuities were purchased to the sum of twenty-one thousand five hundred and twelve pounds, being the amount required by the standing orders of Parliament to be deposited in respect of the estimate of the works comprised in and proposed to be authorised by the Bill for this Act as originally introduced into Parliament, has been transferred into the name and with the privity of the Accountant General of the Court of Chancery in England in respect of the application to Parliament for this Act: And whereas the estimate for railway No. 1 by this Act authorised amounts to the sum of one hundred and seventeen thousand three hundred and ninety pounds: And whereas the estimate for the railways No. 6 and No. 7 by this Act authorised amounts to the sum of forty-nine thousand eight hundred and seventy-five pounds: And whereas of the said sum of annuities so transferred as aforesaid in respect of the application for this Act, the respective sums of six thousand three hundred and forty-five pounds, and two thousand six hundred and ninety-six pounds, represent the deposit required by the said standing orders to be made in respect of the respective estimates as aforesaid for railway No. 1 and for railway No. 6 and railway No. 7 by this Act authorised: Be it enacted, notwithstanding anything contained in the said recited Act, that of the said sum of annuities so transferred as aforesaid the said sum of six thousand three hundred and forty-five pounds, or (as the case may be) the said sum of two thousand six hundred and ninety-six pounds, 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 the completion of the railways hereby authorised to be made, either open railway No. 1, or (as the case may be) railway No. 6 and railway No. 7 by this Act authorised for the public conveyance of passengers, or prove to the satis-

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

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Application
of deposit.

49. The respective sum of six thousand three hundred and forty-five pounds, or (as the case may be) two thousand six hundred and ninety six pounds, new three pounds per centum annuities, 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 railways, or any portion of the railway or railways, the deposit in respect of which is represented by the respective sum of annuities as aforesaid, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for such railway or railways 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 respective sum shall have been found sufficient to satisfy all just claims in respect to such compensation, then the respective sum of annuities or such portion thereof as may not be required as aforesaid 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 survivor or survivors of them: Provided that until the respective sum of annuities shall have been repaid to the depositors, or shall have 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 survivor or survivors of them. A.D. 1872.

50. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the majority of such persons or survivors, 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 Chancery may and shall order that the sum of fourteen thousand two hundred and fifteen pounds four shillings and five-pence (the residue of the sum of twenty-three thousand two hundred and fifty-six pounds four shillings and fivepence so transferred as aforesaid) and the interest and 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. Release of balance of money deposited.

51. The railways shall be completed within five years from the passing of this Act, and if the railways shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railways 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.

52. The Company may demand any tolls for the use of the railway not exceeding the following; (to wit,) Tolls.

In respect of the tonnage of all articles conveyed upon the railways or any parts thereof respectively, as follows: On goods and merchandise.

Class 1. For all dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, all coals, coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all slates, clay, sand, ironstone and iron ore, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, per ton per mile not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile not exceeding one penny:

Class 2. For all sugar, grain, corn, flour, meal, bread, potatoes, hay, straw, flax, tow, linen or cotton yarn, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, bricks, tiles, cotton and other wools, drugs (except vitriol), manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile not exceeding fourpence; and if conveyed in carriages

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belonging to the Company, an additional sum per ton per mile not exceeding one penny :

Class 3. And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, per mile not exceeding sixpence, and a like sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage so conveyed may weigh.

For animals,
&c.

In respect of animals conveyed in carriages upon the railway, as follows :

Class 4. For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any such carriage per mile not exceeding threepence ; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny :

Class 5. For every calf or pig conveyed in or upon any such carriage, the sum of twopence per mile ; and if conveyed in any carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny :

Class 6. For every sheep, lamb, or other small animal conveyed in or upon any such carriage, per mile not exceeding one penny ; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one halfpenny.

For pas-
sengers.

In respect to passengers conveyed in carriages upon the railway, as follows :

For every person conveyed in or upon any such carriage, per mile not exceeding threepence ; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile not exceeding one penny.

Tolls for
propelling
power.

53. The Company may demand for the use of engines for propelling carriages on the railway any tolls not exceeding one penny per mile for each passenger or animal, or for each ton of goods or other articles, in addition to the several other tolls by this Act authorised to be taken.

Maximum
rates of
charge for
passengers.

54. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway, including the tolls for the use of the railway, and of carriages, and for locomotive power, and every other expense incidental to such conveyance, shall not exceed the following sums :

For every passenger conveyed in a first-class carriage the sum of threepence per mile :

For every passenger conveyed in a second-class carriage the sum of twopence per mile : A.D. 1872.

For every passenger conveyed in a third-class carriage the sum of one penny halfpenny per mile.

55. The restriction as to the charges to be made for passengers shall not extend to any special train that may be required to be run upon the railway, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway. Restrictions as to charges not to apply to special trains.

56. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight if a first-class passenger, one hundred pounds in weight if a second-class passenger, and sixty pounds in weight if a third-class passenger, without any charge being made for the carriage thereof. Passengers luggage.

57. The maximum rate of charge to be made by the Company for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the railway, and of carriages, and for locomotive power, and every other expense incidental to such conveyance, except a reasonable sum for loading, covering, and unloading goods at any terminal station, and for delivery and collection, and for transshipment between the railways and any other railway of a different gauge, and any other services incidental to the business or duty of a carrier, where such services, or any of them, are or is performed by the Company, shall not exceed the amounts following ; (to wit,) Maximum charges for goods and animals.

For slates, pig iron, bar iron, rod iron, hoop iron, and all other similar descriptions of wrought iron and iron castings not manufactured into utensils, not exceeding twopence halfpenny per ton per mile ; and for all other matters mentioned in Class 1, not exceeding twopence per ton per mile :

For the matters mentioned in Class 2, not exceeding threepence per ton per mile :

For any carriage mentioned under Class 3, not weighing more than one ton, not exceeding sixpence per mile ; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton :

For every animal mentioned in Class 4, not exceeding threepence per mile :

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For every animal mentioned in Class 5, not exceeding twopence per mile :

For every animal mentioned in Class 6, not exceeding one penny halfpenny per mile.

Regulations
as to tolls.

58. The following provisions and regulations shall be applicable to the fixing of the tolls and maximum rates of charge ; (to wit,)

For articles, animals, or persons conveyed on the railway for a less distance than four miles the Company may demand tolls and charges as for four miles :

For a fraction of a mile beyond four miles or beyond any greater number of miles the Company may demand in respect of passengers, tolls, and charges as for one mile, and in respect of animals and articles, tolls and charges in proportion to the number of quarters of a mile contained in such fraction, and for this last-mentioned purpose a fraction of a quarter of a mile shall be deemed a quarter of a mile :

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight :

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls for
small parcels
and articles
of great
weight.

59. With respect to small packages and single articles of great weight, notwithstanding the rate of tolls prescribed by this Act, the Company may demand any tolls not exceeding the following ; (to wit,)

For the carriage of small parcels on the railway or any part thereof, as follows :

For any parcel not exceeding seven pounds in weight, threepence :

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, fivepence :

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, sevenpence :

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, ninepence :

And for parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit :

Provided that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but such term shall apply only to single parcels in separate packages : A.D. 1872.

For the carriage of any one boiler, cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand any sum not exceeding sixpence per ton per mile ; and if conveyed in or upon a carriage belonging to the Company, an additional sum per ton per mile not exceeding one penny :

For the carriage of any one boiler, cylinder, or any single piece of machinery, or single piece of timber, stone, or other single article, the weight of which, with the carriage, shall exceed eight tons, the Company may demand such sum as they think fit.

60. No station is to be considered a terminal station in regard to any goods conveyed on the railway which have not been received thereat direct from the consignor of such traffic, or are not directed to be delivered thereat to the consignee. Definition of terminal station.

61. This Act or anything herein contained shall not prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of goods of any description by agreement with the owners or persons in charge of such goods, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of any goods other than small parcels by passenger trains. Company may take increased charges by agreement.

62. The Company may run over, work, and use with their engines and carriages the railway of the Croesor and Portmadoc Railway Company, with all stations, sidings, water, watering places, sheds, warehouses, standing room for engines, and other works and conveniences of or connected with that railway, and as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the said railway as they would be entitled to take if such railway were part of the railways by this Act authorised. Power to use Croesor and Portmadoc Railway.

63. The terms and conditions to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company for and in respect of the use of such railway, shall be such as are from time to time agreed upon between them and the Croesor and Portmadoc Railway Company, or failing such agreement, as may from time to time be determined by a single arbitrator in manner provided by the Railway Companies Arbitration Act, 1859. Terms of such user.

A.D. 1872.

Working arrangements with other companies.

64. The Company and the Festiniog Railway Company may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, from time to time enter into and carry into effect working agreements with respect to the following purposes, or any of them; (that is to say,)

The working and use of their respective railways and works :

The transmission, interchange, forwarding, collection, and delivery of traffic for the respective railways of the contracting Companies, and the apportionment, division, and appropriation of the receipts arising from such traffic or other income :

The employment of officers and servants for the conduct of the traffic on the respective railways :

The payments to be made and the conditions to be performed with respect to the matters aforesaid.

Tolls on traffic conveyed partly on the railway and partly on the railways of other companies.

65. If and so long as the Company run over the railway of any other company under the powers of this Act, the railways of the Company and of such other 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 railways of the Company and partly on the railways of such other company, or either of them, 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 charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railways of such other company.

Interest not to be paid on calls paid up.

66. The Company shall not, out of any money by this Act authorised to be raised by calls, debenture stock, or 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.

67. 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 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. A.D. 1872.

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

69. 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. Expenses of Act.

A.D. 1872.

The SCHEDULE referred to in the foregoing Act.

MEMORANDUM OF AGREEMENT, made the 9th day of April 1872, between the Croesor and Port Madoc Railway Company, herein-after called the Croesor Company, of the one part, and the promoters of the North Wales Narrow Gauge Railways Company, herein-after called the Promoters, of the other part.

Whereas the promoters are promoting a Bill in Parliament, entitled "A Bill for incorporating the North Wales Narrow Gauge Railways Company, and for other purposes;" and by clauses of the said Bill as deposited it is proposed that the company to be incorporated thereby (herein-after called the North Wales Company) shall be authorised to run over, work, and use the railway of the Croesor Company, with all stations, sidings, waters, watering places, sheds, and other works and conveniences of or connected with that railway, and upon terms to be, failing agreement, settled by arbitration: And whereas in order to enable the North Wales Company to exercise the powers referred to in the said clauses, with locomotive engines and for the conveyance of passengers, it is necessary that the rails or some of the rails now in use upon the Croesor Company's railway should be relaid, and the line adapted for locomotives and passenger traffic. Now it is agreed between the promoters and the Croesor Company, as follows:

Article 1. In consideration of the great benefits the Croesor Company would derive from the construction of the new railways proposed by the said Bill, the Croesor Company hereby consent to the provisions proposed by the said clauses of the said Bill being granted.

Article 2. The Croesor Company will, at their own expense, relay with rails suitable for the passage of locomotive engines such of the rails on their line between the junction therewith of the proposed railway No. 1, and the terminus of the Croesor Company's extension railway at Port Madoc Quays as shall be necessary, and do such other acts and things as shall be requisite or proper for adapting the same line for the passage of locomotive engines thereon, and for the carriage of minerals, goods, and passengers, to the satisfaction of the Board of Trade.

Article 3. The Croesor Company shall not be required to carry into effect the provisions of Article 2 unless and until the North Wales Company give notice in writing to the Croesor Company requiring the performance of that article within twelve months from the service of the notice, and such notice shall not be given until at least one half (in value or cost) of the works of the proposed railway No. 1 have been actually executed, and the land for the residue purchased or agreed for.

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Article 4. The Croesor Company will apply for and use their best endeavours to obtain any further legislative authority which may be found or deemed requisite for any of the purposes of this agreement. A.D. 1872.

Article 5. If the Croesor Company fail to perform this agreement in any material particular, the North Wales Company shall be at liberty (without prejudice to any other remedy or right to damages to which they shall be entitled) to apply for and obtain parliamentary powers to relay the said rails, and do the other acts and things hereby agreed to be done by the Croesor Company on the said line, and the Croesor Company shall not oppose any such application, and upon obtaining the necessary powers the North Wales Company may enter upon the said Croesor line and do what they may deem requisite for the purposes aforesaid, or any of them, under or by virtue of such parliamentary powers.

Article 6. The Croesor Company shall bear and pay all costs and expenses of and incident to any such application to Parliament as is referred to in Article 5, and of carrying into effect the provisions of that Article 5, and the powers to be obtained by the North Wales Company as therein mentioned, and the North Wales Company may recover such costs and expenses from the Croesor Company accordingly, and shall have a first and permanent lien and charge available at law and in equity on all rates, tolls, and other moneys which shall become payable by the North Wales Company to the Croesor Company on any account whatsoever, and may apply the same in reduction or discharge pro tanto of such costs and expenses.

Article 7. If any questions or differences shall arise between the Croesor Company and the promoters of the North Wales Company upon or arising out of this agreement, the same shall be referred to arbitration under the Railway Companies Arbitration Act, 1859.



For Self and Co-Promoters of the North Wales
Narrow Gauge Railways Company.

H. BEAVER ROBERTS.

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter.

The same has been referred to the proper authorities for their consideration and they will be glad to advise you of the result.

I am, Sir, very respectfully,
Yours truly,
[Signature]

Enclosed for you are the documents mentioned in your letter of the 10th inst. and also a copy of the report of the committee on the subject.

I am, Sir, very respectfully,
Yours truly,
[Signature]

I am, Sir, very respectfully,
Yours truly,
[Signature]