



CHAPTER cxc.

An Act to incorporate a Company for making a Railway from the Kington and Eardisley Railway at New Radnor to join the Mid-Wales Railway at Rhayader; and for other purposes. A.D. 1874.
[7th August 1874.]

WHEREAS the making of the railways herein-after described from the Kington and Eardisley Railway at New Radnor to join the Mid-Wales Railway at Rhayader would be of public and local advantage:

And whereas the persons in this Act named, with others, are willing, at their own expense, to construct the railways, and are desirous of being incorporated into a Company for the purpose:

And whereas it is expedient that the Leominster and Kington and Kington and Eardisley Railway Companies should be authorised to take shares in and subscribe and contribute towards the said undertaking:

And whereas it is expedient that the Company incorporated by this Act (in this Act referred to as the Company) and the Mid-Wales Railway Company (in this Act referred to as the Mid-Wales Company) should be empowered to enter into working and other agreements as herein-after in that behalf expressed:

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

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

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A.D. 1874. — and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes 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 as the "Worcester and Aberystwith Junction Railway Act, 1874."

Provisions of certain general Acts incorporated. 2. "The Railways Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," 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 this Act) incorporated with and form part of this Act.

Interpretation of terms. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised; and for the purposes of this Act 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 simple contract debt, and not a debt or demand created by statute.

Company incorporated. 4. John Ramsden Sladen, Samuel Charles Evans Williams, and Edward Williams, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Worcester and Aberystwith Junction Railway 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. A.D. 1874.

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 railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are :

Power to
make
railways
according to
deposited
plans.

A railway (No. 1) twenty miles and five chains in length, commencing by a junction with the authorised Kington and Eardisley Railway at or near the termination thereof in the parish of New Radnor, and terminating by a junction with the Mid-Wales Railway at or near the bridge carrying the said railway over the public road leading from Rhayader to Nantgwilt in the parish of Llansaintfraid Cwmdauddwr :

A railway (No. 2) two furlongs and seven chains in length, commencing by a junction with railway No. 1 at or near the point where the said railway crosses the turnpike road leading from Newtown to Builth, which said point is situate 130 yards or thereabouts, measured in a northerly direction along the said road, from Llanbadarnfawr Church, and terminating by a junction with the Central Wales Railway of the London and North-western Railway Company at or near the point where the said railway crosses the river Ithon between Pen-y-bont and Llandrindod stations.

6. The capital of the Company shall be three hundred thousand pounds, in thirty thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to
issue until
one fifth paid
up.

8. 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 fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt
clause in case
of persons
not sui juris.

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Power to
Leominster
and Kington
and Kington
and Eardisley
Railway
Companies,
or either of
them, to sub-
scribe and to
apply funds
for that
purpose.

10. The Leominster and Kington and Kington and Eardisley Railway Companies, or either of them, may, with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at general meetings of each of the companies respectively, or either of them, specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking, not exceeding in the whole twenty-five thousand pounds each, and the said companies, or either of them, may with the like authority contribute and apply in or towards payment of their said subscriptions or subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertakings, and also any moneys which they are by this Act authorised to raise; and the said companies or either of them shall, in respect of the sums to be subscribed, and the corresponding shares in the Company to be held by them, or either of them, have all the powers, rights, and privileges, (except in regard to voting at general meetings, which shall be as herein-after provided,) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that neither the Leominster and Kington nor the Kington and Eardisley Company shall sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

Power to
borrow on
mortgage.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole one hundred thousand pounds, but no part thereof shall be borrowed until the whole capital of three hundred thousand pounds is issued and accepted, and one half thereof is paid up, and the Company 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 capital has been 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 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.

- 12.** 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 than ten thousand pounds in the whole. A.D. 1874.
For appointment of a receiver.
- 13.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock.
- 14.** 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.
- 15.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.
- 16.** The number of directors shall be not less than three nor more than five, but the Company may from time to time reduce the number, provided that the number be not less than three. Number of directors.
- 17.** The qualification of a director shall be the possession in his own right of not less than fifty shares. Qualification of directors.
- 18.** The quorum of a meeting of directors shall be three, but in case the number of directors shall be reduced to three the quorum shall be two. Quorum of directors.
- 19.** John Ramsden Sladen, Samuel Charles Evans Williams, Edward Williams, and two persons to be nominated by them or the majority of them, and consenting to such nomination, 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 any of them, or may elect a new body of directors, or director to supply the place of those not continued in office, the directors appointed by this Act 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 First directors.
Election of directors.

A.D. 1874. — places of the directors then retiring from office, agreeably to the provisions of the "Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extra-ordinary purposes.

20. 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 two acres.

Powers for compulsory purchases limited.

21. 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.

As to junction with Kington and Eardisley Railway.

22. The junction of the railway No. 1 by this Act authorised with the said Kington and Eardisley Railway shall be made only at such point as shall be agreed upon between the engineer for the time being of the Great Western Railway Company and the engineer for the time being of the railways by this Act authorised, or, failing agreement, by an engineer to be appointed by the Board of Trade on the application of either party.

Easement only to be taken in lands of Kington and Eardisley Railway for purposes of junction.

23. Nothing in this Act contained shall extend or be deemed or construed to extend or authorise or enable the Company to take, enter upon, or use, either temporarily or permanently, any of the lands of the Kington and Eardisley Railway Company, or to alter, vary, or interfere with the authorised railway of the Kington and Eardisley Railway Company, or any of the land or works of the Kington and Eardisley Railway Company, further or otherwise than is necessary for the construction of the junction by this Act authorised with the said railway of the Kington and Eardisley Railway Company, without the consent in writing in every instance for that purpose first had and obtained of the Kington and Eardisley Railway Company under their common seal, and of the Great Western Railway Company under their common seal; and with respect to any lands of the Kington and Eardisley Railway Company which the Company are by this Act authorised to use, enter upon, or interfere with, the Company shall not purchase and take the same, but they may purchase and take, and the Kington and Eardisley Railway Company shall sell or grant accordingly, an easement or right of using the same in perpetuity for the purposes of this Act.

As to junction with Central Wales line of

24. The junction of the railway No. 2 with the Central Wales line of the London and North-western Railway Company shall be made only at such point within the limits of deviation shown

on the deposited plans as the principal engineer of that company shall by writing under his hand require.

the London and North-western Company.

25. The railway No. 1 shall be carried under the Central Wales Railway of the London and North-western Railway Company according to the centre line shown on the deposited plans, and only according to plans to be reasonably approved in writing by and executed under the superintendence and to the reasonable satisfaction in all respects of the principal engineer of that company, and in all things at the expense of the Company, and by means of a girder bridge of a span of not less than 48 feet in the clear, measured on the square, and so as to admit of the widening of that railway at such crossing by not exceeding two additional lines of rails; and such crossing and the works connected therewith shall be so effected and executed, and by such means and in such manner only, as not to interfere with the uninterrupted and safe user of the railway of that company, or the working of the traffic thereon.

As to crossing Central Wales line of London and North-western Company.

26. The Company shall at all times maintain the bridge and other works by which the railway No. 1 shall be carried under the Central Wales line of the London and North-western Railway Company in substantial repair and good condition, to the reasonable satisfaction in all respects of the principal engineer of that company; and if and whenever the Company fail so to do, that company may make or do, in and upon as well the lands of the Company as their own lands, all such works and things as such engineer may reasonably think requisite, and the sum from time to time certified by him to be the reasonable amount of the expenditure of that company in that behalf shall be repaid to them by the Company, and in default of full payment the amount due may be recovered with full costs by that company from the Company in any court of competent jurisdiction.

Maintenance of works.

27. The Company shall not take, use, enter upon, or interfere with any railway or its works, or any lands or property belonging to or under the power of the London and North-western Railway Company, without obtaining in every case the previous consent in writing of that company under their common seal, except only so far as shall be absolutely necessary for executing and maintaining the bridge and other works by which the railway No. 1 is so to be carried under the Central Wales line of that company, and for effecting the junction in manner aforesaid of the railway No. 2 with that Central Wales line.

Interference with lands of London and North-western Company.

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To acquire easements only in such lands.

28. With respect to any such railway, works, lands, or property mentioned or referred to in the last preceding section which the Company are by this Act authorised to take, use, enter upon, or interfere with, they shall not purchase and take the same, but the Company may purchase and take, and the London and North-western Railway Company shall sell and grant accordingly, an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same.

Expenses of watchmen, &c.

29. The Company shall on demand pay to the London and North-western Railway Company all reasonable expenses of the employment by them, during the construction of the works affecting the Central Wales Railway of that company, of a sufficient number of inspectors and watchmen to be appointed by that company for watching that railway and its works with reference to and during the execution of such works, and for preventing, as far as may be, all interference, obstruction, danger, and accident from any of the operations, acts, or defaults of the Company or their contractors, or any persons in the employment of the Company or of their contractor, with reference thereto, or otherwise.

Saving rights of London and North-western Company.

30. Nothing in this Act contained shall extend to prejudice, alter, or take away any of the rights, privileges, or powers of the London and North-western Railway Company, otherwise than is herein expressly provided.

Power to cross certain roads on the level.

31. 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 only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

RAILWAY No. 1.

No. on deposited Plan.	Parish.	Description of Road.
18	Llanfihangel Nantmelan	Public.
123	Do.	Public.
8	Llandegley	Public.
113	Do.	Do.
8	Llandeny Ystradenny	Public.
36	Nantmel	Do.
108	Do.	Do.
154	Do.	Public.

Provided, with reference to the road numbered 154 in the parish of Nantmel, the approaches to the level crossing shall be not less than 1 in 10.

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32. 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.

RAILWAY No. 1.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
5	New Radnor - -	Public - -	1 in 14 on one side and level on the other.
54	Llanfihangel Nantmelan	Turnpike - -	1 in 15.
123	Do. do.	Public - -	1 in 10 on one side and level on the other.
69	Llandegley - -	Do. - -	1 in 12.
76	Nantmel - -	Do. - -	1 in 14.
154	Do. - -	Do. - -	1 in 9 on one side and level on the other.
196	Do. - -	Do. - -	1 in 8.
230	Do. - -	Do. - -	1 in 15 on one side and level on the other.

33. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively; (that is to say,)

Heights and spans of bridges.

RAILWAY No. 1.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
5	New Radnor - -	Public - -	15 ft.	15 ft.
40	Llanfihangel Nantmelan	Public - -	15 ft.	12 ft.
89	Do.	Public - -	14 ft.	12 ft.
69	Llandegley - -	Public - -	14 ft.	15 ft.
24	Llanbadarn Fawr - -	Public - -	15 ft.	12 ft.
25	Do. - -	Turnpike - -	15 ft.	25 ft.
18	Nantmel - -	Public - -	14 ft.	12 ft.
76	Do. - -	Public - -	14 ft.	15 ft.
216	Do. - -	Turnpike - -	15 ft.	20ft.
230	Do. - -	Turnpike - -	15 ft.	20ft.

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Widths of
certain road-
ways.

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

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
54	Llanfihangel Nantmelan -	Turnpike - -	20 feet.
6	Cefnlllys - - - -	Public - - -	12 feet.
7	Cefnlllys - - - -	Public - - -	12 feet.
196	Nantmel - - - -	Public - - -	12 feet.
14	LlansaintffraidCwmdauddur	Public - - -	12 feet.

Power to
take ease-
ments, &c.
by agree-
ment.

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

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

36. 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 ten thousand eight hundred and seventy-one pounds eighteen shillings and sevenpence consolidated three per cent. annuities, equal to nine thousand nine hundred and seventy-five pounds, being five per cent. upon the amount of the estimate in respect of the railway, has been transferred into the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said stock so transferred as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital

by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock transferred as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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37. The said stock transferred as aforesaid shall be applicable, and after due notice in the "London Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Chancery in England thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the said stock has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall, from time to time and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of

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of deposit.

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Period for completion of works.

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

Tolls for passengers.

39. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; (that is to say,)

In respect of passengers and animals conveyed on the railway :

For any person conveyed in or upon any carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of not exceeding one halfpenny :

For every horse, mule, ass, or other beast of draught or burden, per mile threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of not exceeding one penny :

For every ox, cow, bull, or head of neat cattle conveyed in or upon any carriage, per mile twopence; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of not exceeding one penny :

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any carriage, per mile one halfpenny; and if conveyed in or upon any carriage belonging to the Company, an additional sum per mile of not exceeding one farthing.

Tolls for goods.

40. In respect of goods conveyed on the railway :

For all dung, compost, and all sorts of manure, lime and limestone, and all undressed materials for the repair of public roads or highways, per ton per mile one penny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of not exceeding one halfpenny :

For all coals, coke, culm, charcoal, and cinders, all stones for building, pitching, and paving, all bricks, tiles, slates, clay, ironstone and iron ore, and pig iron, per ton per mile one penny halfpenny; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of not exceeding one halfpenny :

For all sheet iron, hoop iron, bar iron, rod iron, and all similar descriptions of wrought iron, twopence; and if conveyed in

carriages belonging to the Company, an additional sum per ton per mile of not exceeding one halfpenny :

For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, and deals, metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of not exceeding three farthings :

For all cotton, wool, drugs, manufactured goods, and articles of merchandise not included under any other head, per ton per mile threepence halfpenny ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of not exceeding one penny :

For fish, feathers, canes, cochineal, household furniture, hats, shoes, toys, and all articles, matters, and things of a similar character, per ton per mile fourpence ; and if conveyed in carriages belonging to the Company, an additional sum per ton per mile of not exceeding one penny halfpenny :

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, per mile sixpence ; and a 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 may weigh :

For every carriage, of whatever description, adapted and used for travelling on a railway, when not in use for the conveyance of traffic, per mile threepence.

41. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one halfpenny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

42. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act ; (that is to say,)

Regulations as to tolls.

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

Short distances.

For a fraction of a mile beyond four miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there

Fractional parts of a mile.

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be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile :

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls 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 :

General weight.

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

Weight of stone and timber.

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 single articles of great weight.

43. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following ; (that is to say,)

For the carriage of small parcels on the railway :

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

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

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

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

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight, one shilling and sixpence :

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and twenty-four pounds in weight, three shillings :

For parcels exceeding two hundred and twenty-four pounds but not exceeding five hundred pounds in weight, the Company may demand any sum which they think fit :

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

For the carriage of single articles of great weight on the railway :

For the carriage of any one boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or any other

single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they from time to time may think fit, not exceeding sixpence per ton per mile :

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For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed eight tons, or which, on account of the length thereof, may require more than one carriage, the Company may demand such sum as they may think fit.

44. The maximum rate 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 for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,)

Maximum rates for passengers.

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 :

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

45. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway, and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sum ; (that is to say,)

Maximum rates for animals and goods.

For every horse or other beast of draught or burden, the sum of fourpence per mile :

For every ox, cow, bull, or head of neat cattle, the sum of twopence halfpenny per mile :

For every calf, pig, sheep, or other small animal, one penny halfpenny per mile :

For every carriage, sixpence per mile :

For all coals and other articles herein-before classed therewith, per ton per mile one penny halfpenny :

For all dung and other articles herein-before classed therewith, per ton per mile twopence :

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For all sheet iron and other articles herein-before classed therewith, per ton per mile twopence halfpenny :

For all sugar and other articles herein-before classed therewith, per ton per mile threepence :

For all cotton and other articles herein-before classed therewith, per ton per mile fourpence :

For fish and all other articles herein-before classed therewith, per ton per mile fivepence.

Passengers luggage.

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

Terminal station.

47. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Restrictions as to charges not to apply to special trains.

48. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, 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.

Company may take increased charges by agreement.

49. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains.

Working and traffic arrangements with Mid-Wales Railway Company.

50. The Company on the one hand and the Mid-Wales Railway Company on the other hand may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them ; (that is to say,)

The working, use, management, and maintenance of the railways of the respective companies of their respective railways and works, or of any part or parts thereof respectively ;

The supply of rolling stock and machinery, and the employment of officers and servants for the conduct and management of traffic ;

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

The interchange, accommodation, or conveyance of traffic coming from or destined for or passing over the respective undertakings of the respective companies, and the fixing, collecting, division, and appropriation of the revenues arising from the traffic upon the railways of the respective companies.

51. It shall be lawful for the Company to work into and use the New Radnor Station of the Kington and Eardisley Railway Company, together with the booking offices, sidings, watering places, or other conveniences upon or connected with such station, and the terms and conditions of such user, and the tolls, charges, and payments to be made in respect thereof, shall be such as shall from time to time be agreed upon between the Company and the Kington and Eardisley Railway Company and the Great Western Railway Company, or, in default of agreement, as may be prescribed by the Board of Trade or by an arbitrator appointed by that Board, and the costs of reference or arbitration shall be in the discretion of the Board of Trade or the arbitrator, as the case may be.

Power to use
New Radnor
Station of
Kington and
Eardisley
Railway.

52. It shall be lawful for the Company to work into and use the Rhayader Station of the Mid-Wales company, and to run over and use so much of the railway of that company as lies between the junction therewith of the proposed railway No. 1 and the said Rhayader Station, together with the booking offices, sidings, watering places, or other conveniences upon or connected with such stations, and the Company, or any other company or person on their behalf, or any company or person using the railway, shall not build or construct or cause to be built or constructed any station for passengers, goods, cattle, minerals, or any other traffic whatsoever, within two miles of any part of the town and borough of Rhayader, but the Company and every other company or person using the railway shall for traffic of every description carried over the railway to and from the town of Rhayader, or interchanged with the Mid-Wales Company, use the Rhayader Station of the Mid-Wales Company, and the terms and conditions of such user, and the tolls, charges, and payments to be made in respect thereof, and of running over the said portion of the Mid-Wales Railway, shall be such as shall from time to time be agreed upon between the Company and the Mid-Wales Company, or, in default of agreement,

Use of Rhay-
ader Station
of the Mid-
Wales Rail-
way Com-
pany.

A.D. 1874. as may be prescribed by an arbitrator to be appointed by the Board of Trade, and the costs of arbitration shall be borne by the Company.

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

53. During the continuance of any agreement to be entered into under the provisions of this Act for the working of the railway by the Mid-Wales Company, or during the exercise of the running powers over the portion of railway by this Act conferred upon the Company, the railways of the Company and of the Mid-Wales Company shall for the purposes of tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of the Mid-Wales Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charges shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of the Mid-Wales Company.

Power to Leominster and Kington and Kington and Eardisley Railway Companies to raise money by the creation of shares or stock.

54. The Leominster and Kington and the Kington and Eardisley Railway Companies, or either of them, may from time to time raise for the purposes of their respective subscriptions to the undertaking any capital not exceeding in nominal amount twenty-five thousand pounds each by the issue, at their option, of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; and the clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; that is to say,

- The distribution of the capital of the Company into shares;
- The transfer or transmission of shares;
- The payment of subscriptions and the means of enforcing the payment of calls;
- The forfeiture of shares for the nonpayment of calls;
- The remedies of creditors of the Company against the shareholders;
- The consolidation of the shares into stock;
- The general meetings of the Company, and the exercise of the right of voting by the shareholders;
- The making of dividends;

A.D. 1874.

The giving of notices ; and

The provision to be made for affording access to the special Act
by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and
Part II. (relating to additional capital) of the Companies Clauses Act,
1863, shall extend and apply to the Leominster and Kington and
Kington and Eardisley Railway Companies, or either of them, and to
the additional capital which they are by this Act authorised to raise.

55. The contributing companies shall not issue any share under
the authority of this Act of less nominal value than ten pounds,
nor shall any share vest in the person or corporation accepting
the same, unless and until a sum not being less than one fifth
of the amount of such share shall have been paid in respect
thereof.

Shares of
contributing
companies
not to issue
until one
fifth part
paid up.

56. All the moneys which the contributing companies, or
either of them, may raise under the powers of this Act, shall
be applied for the purposes of the before-mentioned subscriptions
only.

Application
of moneys
raised by the
contributing
companies.

57. Each of the contributing companies, or either of them,
whilst shareholders of the Company, may, by writing under their
common seal, from time to time appoint some person to attend
any meeting of the Company, and such person shall have all the
privileges and powers attaching to a shareholder of the Company
at such meetings, and may vote thereat in respect of the capital
held by the contributing company by whom he is appointed.

Votes of con-
tributing
companies
at general
meetings.

58. Nothing in this Act contained shall extend to prejudice,
diminish, alter, or take away any of the rights, privileges, powers,
or authorities of the Kington and Eardisley Railway Company, the
Great Western Railway Company, or of the Mid-Wales Railway
Company, except as is expressly enacted by this Act.

Saving rights
of Kington
and Ear-
disley, Great
Western,
and Mid-
Wales Rail-
way Com-
panies.

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

Interest not
to be paid on
calls paid up.

60. 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

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

A.D. 1874. Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Company or railway not exempt from provisions of present and future general Acts.

61. Nothing in this Act contained shall exempt the Company or 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, authorised by this Act.

Expenses of Act.

62. 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.