



CHAPTER cxcix.

An Act for making a Railway from the Great Western (South Wales) Railway at Whitland, in the County of Carmarthen, to Cronware and Pendine, in the same County; and for other purposes. [2d August 1877.]

A.D. 1877

WHEREAS the making and maintaining of a railway from the Great Western (South Wales) Railway at Whitland, in the county of Carmarthen, to Cronware and Pendine, in the same county, as by this Act authorised, would be of public and local advantage:

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

And whereas it is expedient that the Company and the Great Western Railway Company be authorised to enter into and carry into effect working and other agreements as by this Act provided:

And whereas plans and sections of the proposed railways, showing the lines and levels thereof and the lands which may be taken for the purposes of this Act, and also books of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands, have been deposited with the respective clerks of the peace for the counties of Carmarthen and Pembroke, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

[Ch. cxcix.] *The Whitland, Cronware, and Pendine Railway Act, 1877.* [40 & 41 VICT.]

A.D. 1877. — 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 Whitland, Cronware, and Pendine Railway Act, 1877.

Certain provisions of general Acts herein named incorporated. 2. "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," "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 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 expression "the Company" means the Company incorporated by this Act; the expressions "the railway," "the railways," and "the undertaking" mean respectively the railways 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. Morgan Jones, Samuel Kay, Frederick John Padley, Charles Ranken Vickermann, 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 Whitland, Cronware, and Pendine 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.

Power to make rail- 5. Subject to the provisions of this Act, the Company may make and maintain, in the lines 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 wholly situate in the counties of Carmarthen and Pembroke, and are—

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ways according to deposited plans.

Railway No. 1.—A railway, 5 miles 0 furlongs 6·20 chains in length, commencing in the parish of Llanboidy, in the county of Carmarthen, by a junction with the Great Western (South Wales) Railway, at a point 260 yards or thereabouts from and to the eastward of the east end of the down platform at the Whitland Station, and terminating in the parish of Cyffig, otherwise Kiffig, in the same county, in a field situate on the eastern side of and abutting on the occupation road leading from the turnpike road to Castle Ely (otherwise Castle Heli) West Farm, and at a point 80 yards or thereabouts to the eastward of Castle Ely (otherwise Castle Heli) Mill:

Railway No. 2.—A railway, 2 miles 0 furlongs 5 chains in length, wholly situate in the county of Carmarthen, commencing by a junction with Railway No. 1 at the termination thereof, and terminating in the parish of Eglwyscymryn, in a field situate on the northern side of and abutting on the road leading from Pendine to Marros, and at a point 100 yards or thereabouts from and to the westward of the Green Bridge Inn.

6. Notwithstanding anything herein or in the incorporated Acts contained, it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon, occupy, or use, either permanently or temporarily, any of the lands, works, or property of the Great Western Railway Company, or in any manner to alter, vary, or interfere with the South Wales Railway of the Great Western Railway Company, or the works of or connected therewith, without the consent of that Company under their common seal, save only for the purpose of effecting the junction by this Act authorised, and the Great Western Railway Company may at any time or times hereafter, should it be necessary for them to do so, alter or remove such junction and substitute a new junction therefor, but so as such alteration or removal or substituted junction shall not stop the traffic of the Railway No. 1 by this Act authorised or unnecessarily interfere therewith, or cause increased expense to the Company in the working or maintenance of the junction or sub-

Not to take land or interfere with railway of the Great Western Railway Company except for the purpose of a junction.

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Provisions as to junction with South Wales Railway.

7. The junction between the Railway No. 1 by this Act authorised and the South Wales Railway of the Great Western Railway Company shall not be by a direct junction, but shall be from a siding, and such siding and junction shall be provided with all necessary works, signals, and conveniences, and the junction shall be constructed according to a plan to be agreed upon between the principal engineer for the time being of the Great Western Railway Company and the engineer for the time being of the Company, or failing agreement, by an arbitrator to be appointed, on the application of either Company, by the President for the time being of the Institute of Civil Engineers, and all the provisions of "The Railways Clauses Act, 1863," with respect to junctions shall apply to the junction referred to in this enactment.

Capital, and number and amount of shares.

8. The capital of the Company shall be forty-five thousand pounds, in four thousand five hundred shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

9. 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.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and two months at the 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.

Receipts on behalf of incapacitated persons.

11. 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.

Power to divide shares.

12. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share," but the Company shall not so divide any share 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. A.D. 1877.

13. 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 Company 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 the Company shall not pay any greater amount of dividend 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.

14. Each preferred half share shall be entitled, out of the profits of each year, to the dividend which may have been attached to it by the Company 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 any other funds of the Company. Dividends on preferred shares to be paid out of the profits of the year only.

15. 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; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such 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.

16. 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 on certificates.

17. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for non-payment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corre- Forfeiture of preferred shares.

A.D. 1877. sponding deferred half share, and until any forfeited preferred half share shall be sold by the directors 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 calls for the time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

18. 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.

19. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, 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, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to borrow on mortgage.

20. The Company may from time to time borrow on mortgage any sum not exceeding in the whole fifteen thousand pounds, but no part thereof shall be borrowed until the whole capital of forty-five 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.

Arrears may be enforced by appointment of a receiver.

21. 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 one thousand five hundred pounds in the whole.

22. 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. A.D. 1877.
Power to create debenture stock.

23. 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.

24. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of February or March and August or September, as the directors may appoint. First and subsequent meetings.

25. The number of directors shall be five, but the Company may from time to time reduce or increase the number of directors, but so that the number be never less than three nor more than five. Number of directors.

26. The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.

27. The quorum of a meeting of directors, if the number of directors for the time being be more than three, shall be three, and if the number of directors for the time being be three the quorum shall be two. Quorum of directors.

28. Morgan Jones, Samuel Kay, Frederick John Padley, Charles Ranken Vickerman, and one other person 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 nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the places 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 of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such First directors.
Election of directors.

A.D. 1877. — meeting, being neither removed or 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 extraordinary purposes.

29. 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.

30. 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.

Inclination of road.

31. In altering for the purposes of this Act the road next hereinafter mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
		RAILWAY No. 1.	
34	Cyffig - -	Public - -	1 in 10½.

Company not to alter level of No. 137, in the parish of Cyffig.

32. In constructing the Railway No. 1 by this Act authorised the Company shall not, without the previous consent in writing of the Carmarthenshire County Roads Board, alter the level of the road numbered on the deposited plans 137, in the parish of Cyffig.

Power to take easements, &c. by agreement.

33. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or re-lease 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.

34. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption

of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

- (B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same: Power for Postmaster General to annex conditions.
- (C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon: Power of entry for Postmaster General.
- (D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with Compensation by Company to Postmaster General, and penalty.

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Power for Postmaster General to construct and work telegraphs, &c.

costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company :

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same, and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands, but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected :

Provisions to remain in force for one year and to the end of the then next session of Parliament.

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

35. 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 one thousand nine hundred and ninety-four pounds, being five per centum upon thirty-nine thousand eight hundred and sixty-three pounds, the amount of the estimate in respect of the railway, has been deposited with the Paymaster General on behalf of the Chancery Division of the High Court of Justice in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum so deposited as aforesaid in respect of the application for this Act shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the 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 sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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

36. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the 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 Chancery Division of

Application of deposit.

A.D. 1877. — the High Court of Justice may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Chancery Division of the High Court of Justice thinks fit to order, on the application of the Solicitor to 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 sum of money has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

37. 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 and animals.

38. 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 every person the sum of twopence per mile; and if conveyed in or upon any carriage belonging to the Company, an additional sum of one penny per mile;

Class 1. For every horse, mule, or other beast of draught or burden, threepence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile;

Class 2. For every ox, cow, bull, or head of neat cattle, the sum of twopence per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one penny per mile;

Class 3. For every calf, sheep, pig, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to the Company, an additional sum of one halfpenny per mile. A.D. 1877.

In respect of goods conveyed upon the railway :

Tolls for goods.

Class 4. For all coals, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, culm, cannel, ironstone, iron ore, limestone, slates, slate slabs, slate flags, chalk, sand, slag, and clay (except fire-clay), per ton per mile one penny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one farthing ;

Class 5. For all coke, charcoal, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, wrought iron, heavy iron castings, railway chairs, slabs, billets, and rolled iron, lime, bricks, tiles, salt, fire-clay, and stone, per ton per mile one penny halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one halfpenny ;

Class 6. For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metal (except iron), nails, anvils, vices, and chains, and for light castings, per ton per mile twopence halfpenny; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny ;

Class 7. For cotton and other wools, drugs, manufactured goods, and for fish, and all other wares, merchandise, articles, matters, or things, per ton per mile threepence; and if conveyed in a carriage belonging to the Company, an additional sum per ton per mile of one penny ;

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, conveyed on a truck or platform belonging to the Company, sixpence per mile, 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.

39. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny 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.

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Regulations
as to tolls.

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

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

For a fraction of a mile beyond three 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 numbers of quarters of a mile contained therein, and if there 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;

For a fraction of a ton the Company may demand tolls according to the numbers 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 single
articles of
great weight.

41. 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 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. A.D. 1877.

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 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 think fit, not exceeding sixpence per ton per mile ;

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

42. 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.

43. The maximum rate of charge to be made by the Company for the conveyance of animals and goods on the railway, including the tolls for the use of the railway and for waggons or trucks or locomotive power, and 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 sums ; (that is to say,) Maximum rates for animals and goods.

For every animal in Class I., fourpence per mile ;

For every animal in Class II., threepence per mile ;

For every animal in Class III., one penny halfpenny per mile ;

For everything in Class IV., one penny halfpenny per ton per mile ;

For everything in Class V., twopence per ton per mile ;

For everything in Class VI., threepence per ton per mile ;

For everything in Class VII., fourpence per ton per mile ;

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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, per mile sixpence; and if weighing more than one ton, one penny halfpenny for every additional quarter of a ton or fraction of a quarter of a ton which such carriage may weigh.

Passengers
luggage.

44. 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.

45. 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.

46. 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.

47. 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.

Agreements
with Great
Western
Railway
Company.

48. The Company and the Great Western Railway Company 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 and carry into effect agreements with respect to the following purposes; (that is to say,)

The management, use, working, and maintenance by the Great Western Railway Company of the railway or any part or parts thereof;

The supply, under any agreement for the railway being worked and used by the Great Western Railway Company, of any rolling or working stock necessary for the purposes of such

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agreement, and of officers and servants for the conduct of the traffic on the railway ;

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

The interchange, accommodation, conveyance, and delivery of the traffic coming from or destined for the respective undertakings of the contracting Companies ;

The fixing and division between the contracting Companies of the receipts arising from such traffic.

49. During the continuance of any such agreement, the railway of the Company and the railway of the Great Western Railway Company shall for the purposes of short-distance 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 Great Western Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles ; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only ; and in respect of animals and goods, for every quarter of a mile beyond three 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 railway of the Company and partly on the railway of any other company.

Tolls on traffic conveyed partly on railway of Company and partly on Great Western Railway.

50. Except only as is by this Act expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, privileges, or authorities of the Great Western Railway Company.

Saving rights of the Great Western Railway Company.

51. 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.

52. 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.

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

A.D. 1877. **53.** 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.

54. 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.