ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cclxv.

An Act to authorize certain Deviations from the existing and authorized Lines of the *Brecon and Merthyr Tydfil Junction* Railway Company, and to empower that Company to form a Junction with the Limestone Railway of the *Rhymney* Iron Company, and (instead of the *Vale of Neath* Railway Company) to exercise the Powers of the *Vale of Neath* Railway Act, 1863, for constructing the *Merthyr* Curve; and to raise further Monies; and for other Purposes.

[25th *July* 1864.]

WHEREAS by "The *Brecon and Merthyr Junction* Railway Act, 1859," (herein-after called "the original Act,") the *Brecon and Merthyr Tydfil Junction* Railway Company (herein-after called the "*Brecon* Company") were incorporated: And whereas the following Acts relating to the *Brecon* Company have since been passed; (namely,) "The *Brecon and Merthyr*

22 & 23 Vict. c. lxviii.

23 & 24 Vict. c. xvii.

Merthyr Railway (Extensions) Act, 1860," (herein-after called "the Act of 1860,") "The *Brecon and Merthyr* Railway (Capital) Act, 1861," (herein-after called "the Capital Act of 1861,") "The *Brecon and Merthyr* Railway (Extensions) Act, 1861," (herein-after called "the Extensions Act of 1861,") "The *Brecon and Merthyr* Railway Act, 1862," (herein-after called "the Act of 1862,") "The *Brecon and Merthyr* Railway Act, 1863," (herein-after called "the *Brecon* Act of 1863,") and "The *Rumney and Brecon and Merthyr* Railways Act, 1863" (herein-after called "the *Rumney and Brecon* Act of 1863"): And whereas the Undertaking of the *Brecon* Company as by those Acts authorized now consists (first) of a Line of Railway from *Brecon* to *Merthyr Tydfil* (there to join with a double Junction the *Taff Vale* Railway) and certain Branch Railways, and a Railway or Tramway at or near *Brecon* (which Railways and Railway or Tramway, with the Works connected therewith and the Lands acquired for the Purposes thereof, constitute their general Undertaking as defined in those Acts); and (secondly), of Railways running from the Main Line in the Parish of *Llandetty* to the *Merthyr, Tredegar, and Abergavenny* Railway, and also to the *Sirhowy* Railway, and to *Gelligaer*, and of the *Rumney* Railway, and of a Railway from the *Rumney* Railway to the Railway of the *Brecon* Company at *Gelligaer*, but subject, as regards the Railway last described, to a Provision contained in "The *Rumney and Brecon* Act of 1863," suspending the Powers of the *Brecon* Company for constructing a Part of that Railway as therein mentioned (which Railways secondly above described, with the Works connected therewith and the Lands acquired for the Purposes thereof, constitute the separate Undertaking of the *Brecon* Company as defined in the said Acts): And whereas it is expedient that the *Brecon* Company be authorized to construct a Deviation Railway (herein-after called the *Dowlais Road Side Pond* Deviation) from the Railway thirdly authorized by the Act of 1862 in the Parish of *Merthyr Tydfil* and County of *Glamorgan* to the Railway fourthly authorized by the same Act in the Parish of *Gelligaer* in the same County, in substitution for so much of the Railways thirdly and fourthly authorized by the Act of 1862, and of the Railway first authorized by the Extensions Act of 1861 as lies between the Points of intended Commencement and Termination of the *Dowlais Road Side Pond* Deviation: And whereas it is expedient that the *Brecon* Company be authorized to construct a short Junction Railway (herein-after called the *Bryn Glas* Junction) in the said Parishes of *Merthyr Tydfil* and *Gelligaer*, for connecting the intended *Dowlais Road Side Pond* Deviation with the Railway sixthly authorized by the Act of 1862, and in substitution for so much of the last-mentioned Railway as lies between its authorized Commence-

24 & 25 Vict. cc. x. & ccxxxv.

25 & 26 Vict. c. clxxxiv.

26 & 27 Vict. c. cxcvi.

26 & 27 Vict. c. ccii.

Commencement and the Point of Junction of the intended *Bryn Glas* Junction with that Railway: And whereas it is expedient that the *Brecon* Company be authorized to construct a Railway in the Parish of *Merthyr Tydfil* for connecting the intended *Dowlais Road Side Pond* Deviation with the Limestone Railway of the *Rhymney* Iron Company: And whereas it is expedient that the *Brecon* Company be authorized to construct a Deviation Railway in the Parishes of *Machen* and *Bedwas* in the County of *Monmouth*, in substitution for Part of the *Rumney* Railway: And whereas Plans and Sections describing the Lines and Levels of the proposed Railways and Works and the Lands which may be required to be taken for the Purposes thereof, together with Books of Reference to the said Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and the Occupiers of those Lands respectively, have been deposited with the respective Clerks of the Peace for the Counties of *Glamorgan* and *Monmouth*: And whereas by the "*Vale of Neath* Railway Act, 1863," which received the Royal Assent on the Thirteenth Day of *July* One thousand eight hundred and sixty-three, it was (Section 22) enacted, that, subject to the Provisions of that Act, the *Vale of Neath* Railway Company (herein-after called "the *Neath* Company") from Time to Time might enter upon, take, and use for any of the Purposes of that Act such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference thereto as that Company from Time to Time might think requisite for any of the Purposes of that Act; provided that if the *Brecon* Company should make the *Merthyr* Curve by that Act authorized, then the Powers of that Act with respect to the entering upon, taking, and using of Lands for the Purposes thereof might be exercised by the *Brecon* Company instead of by the *Neath* Company; and it was by the same Act (Section 26) enacted, that, subject to the Provisions of that Act, the *Neath* Company, or, as the Case might be, the *Brecon* Company (in that Act called "the *Merthyr* Company") might make and maintain the *Merthyr* Curve; and (Section 27) the said *Merthyr* Curve was defined and declared to be "a Railway situate wholly "in the Parish of *Merthyr Tydfil* in the County of *Glamorgan*, "commencing by a Junction with the *Vale of Neath* Railway and "terminating by a Junction with the Railway (No. 1.) first described "in and authorized by the *Brecon and Merthyr* Railway Act, "1864;" and by the same Act (Section 29) it was enacted, that the said Railway (the *Merthyr* Curve) should be completed within Two Years after the passing of that Act, and that on the Expiration of that Period the Powers of the *Neath* Company, or, as the Case might be, of the *Brecon* Company, for making the same, or otherwise in relation thereto, should cease to be exercised, except as to so much thereof

26 & 27 Vict. c. cxx.

thereof as should then be completed: And whereas by the same Act (Section 31) it was further enacted, that if the *Neath* Company before the opening for Traffic of the Railway (No. 1.) by the Act of 1862 authorized should lay down on the *Vale of Neath* Railway, between the Junction therewith by the now reciting Act authorized of the *Merthyr* Curve and their *Merthyr* Station inclusive, Rails adapted for the Passage over the same of Engines and Carriages on the Narrow Gauge, so that the same might be connected with the Narrow Gauge Rails on the *Merthyr* Curve, then, if the *Brecon* Company, in Writing under their Common Seal, delivered to the *Neath* Company within Three Months after the passing of the now reciting Act, should so elect, the *Brecon* Company should at their sole Expense, and before the opening for Traffic of the Railway (No. 1.) by the Act of 1862 authorized, make and for ever thereafter maintain the *Merthyr* Curve, to form proper and sufficient Means of Communication by Railway between the Railway (No. 1.) by the Act of 1862 authorized and the *Vale of Neath* Railway, and having a proper and convenient Junction with each of those Two Railways, and that the Points of Junction thereof with those Two Railways respectively, if not agreed on between the *Neath* Company and the *Brecon* Company, should be determined by a competent and impartial Civil Engineer, to be on their Application appointed by the Board of Trade: And whereas Provision was made by the "*Vale of Neath* Railway Act, 1863," for enabling the *Brecon* Company (if they should so elect to make the *Merthyr* Curve) to acquire the Lands and exercise the Powers necessary in that Behalf, and to take in respect of the *Merthyr* Curve the Tolls, Fares, and Charges authorized to be received and taken by them in respect of their general Undertaking: And whereas the *Brecon* Company did not within Three Months after the passing of the "*Vale of Neath* Railway Act, 1863," elect to make the *Merthyr* Curve: And whereas it is expedient that the *Brecon* Company be authorized in lieu of the *Neath* Company to exercise the Powers by the "*Vale of Neath* Railway Act, 1863," given for the Construction of the *Merthyr* Curve, notwithstanding that they did not elect so to do within the Period in that Behalf limited by that Act: And whereas it is expedient that the *Brecon* Company be empowered to raise further Monies for the Purposes of this Act: And whereas the Objects before mentioned 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; (that is to say,)

26 & 27 Vict. c. cxx.

1. This

Brecon and Merthyr Railway Act (*No.* 1.), 1864.

1. This Act may be cited for any Purpose as "*Brecon and Merthyr* Railway Act (No. 1.), 1864." Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. relating to Construction of a Railway (except the Clauses in that Part relating to Junctions), and Part III. relating to Working Agreements of "The Railways Clauses Act, 1863," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act. 8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

3. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the borrowed Money into Capital, with respect to the Consolidation of the Shares into Stock, with respect to the making of Dividends, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and "The Companies Clauses Act, 1863," (except Part IV. of that Act,) shall be incorporated with this Act, and shall in all Particulars not otherwise provided for by or under the Powers of this Act respectively apply to all Shares and Capital created and to all Monies borrowed and Mortgages granted under the Powers of this Act by the *Brecon* Company; and in construing those Clauses and Provisions in connexion with this Act the Expression "the Special Act" shall mean this Act, the Expression "the Company" shall mean the *Brecon and Merthyr Tydfil Junction* Railway Company, the Expression "the Undertaking" shall mean the separate Undertaking of the *Brecon* Company, and the Term "Superior Courts" shall include any Court of competent Jurisdiction as interpreted by this Act, unless in so far as there may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction. Certain Provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. incorporated.

4. In this Act the Expression "the *Brecon* Company" means the *Brecon and Merthyr Tydfil* Junction Railway Company, the Word "Share" includes Stock; the Expression "the separate Undertaking" means and comprises the Railways and Works or Undertaking defined as "the separate Undertaking" in the Act of 1862, and all Interpretation of this Act.

other Railways and Works from Time to Time declared by any other Act Part of the separate Undertaking of the *Brecon* Company, and includes the several Railways by this Act authorized to be constructed; the Expression "the general Undertaking" means and comprises all other the Railways, Works, Property, and Undertaking of the Company (not being Part of their separate Undertaking), the "deposited Plans and Sections" means the Plans and Sections deposited with the Clerks of the Peace for the Purposes of this Act as aforesaid; the Word "Traffic" has the Meaning assigned to that Word in and by "The Railway and Canal Traffic Act, 1854," and in this Act, and the Acts and Parts of Acts incorporated therewith, the Term "Court of competent Jurisdiction," and any other like Term, shall be read and have Effect as if the Debt or Demand with respect to which the Term is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute, unless in so far as there may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction.

Applying other Interpretations of General Acts.

5. All Words and Expressions to which by any Act wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the respective Meanings so assigned to them, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, or other Meanings be assigned to them by this Act.

Power to make Railways according to deposited Plans, &c.

6. Subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts and Parts of Acts contained, the *Brecon* Company may make and maintain the several Railways herein-after described, according to the Lines and Levels defined upon the Plans and Sections and upon the Lands delineated on the Plans and described in the Books of Reference deposited for the Purposes of this Act as aforesaid, and the *Brecon* Company may enter upon, take, and use such of those Lands as they think necessary for the Purposes of this Act.

Description of Railways.

7. The Railways by this Act authorized comprise the following:

First (the *Dowlais Road Side Pond* Deviation), a Railway to commence in the Parish of *Merthyr Tydfil* in the County of *Glamorgan* by a Junction with the Railway thirdly authorized by the Act of 1862, and to terminate in the Parish of *Gelligaer* in that County by a Junction with the Railway fourthly authorized by the Act of 1862:

Secondly (the *Bryn Glas* Junction), a Railway to commence in the said Parish of *Merthyr Tydfil* by a Junction with the *Dowlais Road*

Road Side Pond Deviation, and to terminate in the said Parish of *Gelligaer* by a Junction with the Railway sixthly authorized by the Act of 1862:

Thirdly (the *Rhymney* Limestone Railway Junction), a Railway wholly in the said Parish of *Merthyr Tydfil* to commence by a Junction with the *Dowlais Road Side Pond* Deviation, and to terminate by a Junction with the Limestone Railway of the *Rhymney* Iron Company:

Fourthly (the *Rising Sun* Deviation), a Railway to commence in the Parish of *Machen* in the County of *Monmouth* by a Junction with the *Rumney* Railway, and to terminate in the Parish of *Bedwas* in the same County by a Second Junction with that Railway.

Inclination of certain Roads.

8. The *Brecon* Company may make the several Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (to wit,)

Number of Road on deposited Plans.	Parish in which the Road is shown on those Plans.	Description of Road.	Intended Inclination.
4	Merthyr Tydfil - -	Public Road	1 in 13 on one Side and level on the other Side.
15	Machen - - -	Public Road	1 in 15.

Dimensions of Bridges.

9. The Company may make the Arches of the Bridges for carrying the Railways over the Roads next herein-after mentioned of any Height and Span not less than the respective Heights and Spans herein-after mentioned in connexion with those Roads respectively; (to wit,)

Number of Road on deposited Plans.	Parish in which Road is shown on those Plans.	Description of Road.	Height in Feet.	Span (in Feet).
4	Merthyr Tydfil -	Public Road	14	20
20	Gelligaer - -	Public Road	14	20
15	Machen - - -	- - -	14	20

Powers for compulsory Purchases limited.

10. The Powers of the *Brecon* Company for the compulsory Purchase of Land for the Purposes of the several Railways herein-before authorized to be constructed shall not be exercised after the Expiration of One Year and Six Months from the passing of this Act.

11. Subject

Limiting Time for Completion.

11. Subject to the other Provisions of this Act, the several Railways herein-before authorized to be constructed shall be completed within Two Years from the passing of this Act, and upon the Expiration of the Period by this Act limited for the Completion of any Railways or Works, all the Powers by this Act granted for making those Railways or Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Penalty for Non-completion of Works within Time limited.

12. If the several Railways herein-before mentioned and by this Act authorized be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, then (subject to the Provisions herein-after contained) the *Brecon* Company shall forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of that Period during which the said Railways shall remain unopened, which Amount shall be a Debt due from the *Brecon* Company to the Crown, and recoverable accordingly: Provided always, that no such Penalty shall accrue or be payable for or in respect of any Time during which the *Brecon* Company may be prevented from completing or opening the said Railways by unforeseen Accident or Circumstances beyond their Control, of which Prevention, and the Time for which it may have endured, the Certificate of the Board of Trade shall be sufficient Evidence, and that Board, on the Production of such Proof as they shall deem sufficient, shall grant such Certificate accordingly: Provided also, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the *Brecon* Company.

Tolls, &c.

13. For the Purposes of the Tolls, Rates, and Charges to be taken thereon respectively, and for all other Purposes not by this Act otherwise specially provided for, the *Dowlais Road Side Pond* Deviation and the *Rhymney* Limestone Railway Junction shall respectively be deemed Part of the Railway first authorized by the Extensions Act of 1861, the *Bryn Glas* Junction shall be deemed Part of the Railway sixthly authorized by the Act of 1862, and the *Rising Sun* Deviation shall be deemed Part of the *Rumney* Railway.

Company to abandon Parts of authorized Lines;

14. The *Brecon* Company shall abandon and relinquish the Construction of so much respectively of the Railways thirdly and fourthly authorized by the Act of 1862, and of the Railway first authorized by the Extensions Act of 1861, as lies between the Commencement and Termination of the *Dowlais Road Side Pond* Deviation as above authorized, and so much of the Railway sixthly authorized by the Act of 1862 as lies between the authorized Commencement of that Railway near the *Dowlais Road Side Pond* and the Point

Point of Junction therewith of the *Bryn Glas* Junction as above authorized.

and Part of Rumney Railway.

15. The *Brecon* Company shall, from and after the opening for public Traffic of the *Rising Sun* Deviation, discontinue the User of and stop up so much of the *Rumney* Railway as lies between the Commencement and Termination of the *Rising Sun* Deviation as above authorized, and as the *Brecon* Company may not require for the Purposes of Siding or other Accommodation.

Compensation to be made where Contracts have been entered into or Notices given.

16. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the *Brecon* Company before purchasing any Lands which they were by the Extensions Act of 1861 or the Act of 1862 empowered to purchase for the Purpose of constructing the Portions of Railway so authorized to be abandoned as aforesaid, or any Part thereof, the *Brecon* Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, or other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the *Brecon* Company were so empowered to purchase as aforesaid to receive from the *Brecon* Company Compensation for any Damage that may have been occasioned by the Entry of the *Brecon* Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

Incorporating Sections 13 to 16 of 24 & 25 Vict. c. cclxxxv. for Protection of Dowlais Iron Company.

17. Sections 13 to 16 (both inclusive) of the Extensions Act of 1861 for the Protection of the *Dowlais* Iron Company, and the several Provisions thereof, are incorporated herewith, and shall be Part of this Act, and with respect to the Powers and Provisions of this Act shall be read and have Effect as if they were re-enacted in this Act with reference to so much of the Railways by this Act authorized, and the Works and Conveniences connected therewith, as will pass or be made through any Lands from Time to Time belonging or reputed to belong to or occupied by the *Dowlais* Iron Company,

and with reference to so much of the Railways by this Act authorized, and the Works and Conveniences connected therewith, as will pass or be made in proximity to the Ponds or Reservoirs in those Sections mentioned, or either of them.

Saving Rights of Dowlais Iron Company.

18. Except only as is by this Act expressly provided, this Act, or anything therein contained, shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Dowlais* Iron Company.

"The Dowlais Iron Company."

19. The Expression "the *Dowlais* Iron Company," in this Act shall have the Meaning assigned to it by Section 18 of the Extensions Act of 1861.

Sects. 31 & 35 of 26 & 27 Vict. c. cxx. repealed.

20. Sections 31 and 35 of the "*Vale of Neath* Railway Act, 1863," are hereby repealed.

As to Construction of the Merthyr Curve by the Brecon Company.

21. The *Brecon* Company may, subject to the Provisions in that Behalf contained in the "*Vale of Neath* Railway Act, 1863," (except the Clauses of that Act hereby repealed,) exercise the Powers granted to them by that Act of making and maintaining the *Merthyr* Curve as in that Act described, and with reference to the *Merthyr* Curve, Sections 22, 23, 24, 26, 27, 28, 29, and 30 of that Act shall be read and have Effect as if the *Brecon* Company had been alone named or referred to therein, or (as the Case may be) had been named or referred to therein instead of the *Neath* Company, and Sections 33 and 34 of that Act shall be read and have Effect as if the Provisions thereof were not contingent upon the Election by the *Brecon* Company to make the *Merthyr* Curve, but were absolute.

Merthyr Curve to be made before the opening of Railway No. 1 authorized by the Act of 1862.

22. The Company shall, before the Thirteenth Day of *July* One thousand eight hundred and sixty-five, make the *Merthyr* Curve and the Junctions of that Curve with Railway No. 1. authorized by the Act of 1862, as altered by the *Brecon* Act of 1863, and with the *Vale of Neath* Railway, so that there may be thereby proper and sufficient Means of Communication by Railway between the last-mentioned Railways; and the *Merthyr* Curve shall be opened for Traffic not later than the said Railway No. 1.

Confirming Heads of Arrangement scheduled to "Vale of Neath Railway Act, 1863."

23. Notwithstanding anything in this Act contained, the Heads of Arrangement between the *Brecon* Company and the *Neath* Company mentioned in the "*Vale of Neath* Railway Act, 1863," and of which a Copy is set forth in the Schedule to that Act, shall continue to be binding on those Companies respectively, and may and shall be carried into effect accordingly.

24. The

Application of authorized Funds.

24. The *Brecon* Company may apply for the Purposes of the Railways by this Act authorized, or of any or either of them, any Monies raised or to be raised by them under the Extensions Act of 1861 or (for the Purposes or on the Security of the separate Undertaking, or any Part of that Undertaking,) under the Act of 1862, or the *Rumney and Brecon* Act of 1863.

Power to Company to create new Shares.

25. The *Brecon* Company may from Time to Time (in addition to the Sums of Money which they are from Time to Time by any other Acts authorized to raise) raise for the Purposes of the separate Undertaking, and by the Creation and Issue of new Shares in that Undertaking, any Sums not exceeding in the whole Eleven thousand Pounds, and may create and issue such new Shares either as ordinary or as Preference Shares in that Undertaking.

Holders of new Shares not to be entitled to share in Profits of general Undertaking.

26. The Holders of such new Shares shall not in respect thereto have or be entitled to any Interest or Dividend out of the Profits of the general Undertaking, and in construing in connexion with this Act the Provisions herewith incorporated of "The Companies Clauses Act, 1863," the Word "Profits" shall be deemed to mean the Profits of the separate Undertaking only, and the Expressions "ordinary Shares" and "ordinary Stock," or any similar Expressions, shall be deemed to mean ordinary Shares or ordinary Stock, as the Case may be, in the separate Undertaking.

Profits to be Profits of separate Undertaking.

27. The Profits of the Railways by this Act authorized shall be and be deemed Profits of the separate Undertaking, and shall be applicable accordingly, and the Holders of Shares in the general Undertaking shall not in respect thereof have or be entitled to any Interest or Dividend out of those Profits.

Qualifications of new Shareholders.

28. Subject to the other Provisions of this Act, all Shares and Stock in the separate Undertaking created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Stock or Shares held by the same Person at the same Time, confer the like Qualifications and Rights of voting as Extension Shares created under the Powers of the Act of 1862.

Limit of Amount and Number of Calls.

29. The Amount of any One Call to be made upon the Proprietors of any Shares in the separate Undertaking created under the Powers of this Act shall not exceed the Rate of Twenty *per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year, and no Share shall be issued

issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount thereof shall have been paid thereon.

Power to borrow.

30. For the Purposes of this Act the *Brecon* Company may from Time to Time, with the Authority of any General Meeting, borrow (in addition to the other Sums which they are from Time to Time by any other Act authorized to borrow) any Sums not exceeding in the whole Three thousand six hundred and sixty Pounds on Mortgage of the separate Undertaking and of the Tolls, Rates, and Charges arising therefrom; but the *Brecon* Company shall not borrow any Money under the Powers of this Act until the whole of the additional Share Capital by this Act authorized is subscribed for or taken, and One Half thereof is paid up, and the *Brecon* Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of that additional Capital have been issued and accepted *bonâ fide*, and that not less than Twenty *per Centum* has been paid up on account of each separate Share before or at the Time of the Issue or Acceptance thereof, and that such Shares were taken *bonâ fide* and are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Facts the Certificate of the Justice under that Section shall be sufficient Evidence).

Priority of existing Mortgages.

31. All Mortgages granted by the *Brecon* Company before the passing of this Act, and which are in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking or Portion of Undertaking thereby assigned, have Priority over all Mortgages granted by virtue of this Act and attaching on the same Undertaking or Portion of Undertaking.

Rights of Mortgagees.

32. Any Mortgage made by the *Brecon* Company under the Powers of this Act shall not be a Charge upon or confer any Right or Remedy against the general Undertaking of the *Brecon* Company, or the Tolls, Rates, or Charges arising thereon.

Application of Monies raised under this Act.

33. All Monies which the *Brecon* Company are by this Act authorized to raise by Shares or Mortgages shall be applied only to the Purposes by this Act authorized.

Extending Traffic Arrangements with Individuals to Extensions.

34. The Sections of the Act of 1860, numbered respectively 30, 31, and 32, being the Sections relative to Contracts or Arrangements between the *Brecon* Company and *David Davies* and *Thomas Savin*,

Savin, their Executors, Administrators, or Assigns, with respect to the Maintenance, Repair, and Management of the Railways and Works by that Act and the original Act authorized, and the Working and Management of the Traffic thereon, and any incidental Matters, and under which the Undertaking of the *Brecon* Company, so far as the same is complete, is now being maintained, worked, and managed by *Thomas Savin* and *John Ward*, as the Assigns of the said *David Davies* and *Thomas Savin*, shall extend and apply to the Railways and Works by this Act authorized, or any Part thereof, and to the Assigns of the said *David Davies* and *Thomas Savin* with reference thereto: Provided always, that it shall not be lawful for the *Brecon* Company to make any such Contract or Arrangement for a longer Period than may at the Time of the making thereof be unexpired of any Contract or Arrangement as aforesaid entered into under the Act of 1860.

No Interest or Dividend to be paid on Calls paid up.

35. The *Brecon* Company shall not, out of any Money by any Act relating to them authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that the *Brecon* Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

36. The *Brecon* Company shall not, out of any Money by any Act relating to them authorized to be raised for the Purpose of such Act, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect to any Application to Parliament for the Purpose of obtaining an Act authorizing them to construct any Railway, or to execute any other Work or Undertaking.

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

37. Nothing in this Act shall exempt the Railways by this or the recited Acts authorized, or the *Brecon* Company, or any other Company, from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels authorized by this or the said recited Acts.

Expenses of Act.

38. The Costs, Charges, and Expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the *Brecon* Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.