ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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Cap. cclxxxv.

An Act for the Consolidation of the Capitals and Undertakings of the *Brecon and Merthyr Tydfil Junction* Railway Company; to enable them to raise more Money, and to construct new Lines to *Ivor* and *Dowlais*, and a Diversion of the *Cyfarthfa* Deviation; to extend the Time for the Completion of Parts of their Railways; and for other Purposes. [5th *July*, 1865.]

WHEREAS by "The *Brecon and Merthyr Junction* Railway Act, 1859," (in this Act called "the original Act,") the *Brecon and Merthyr Tydfil Junction* Railway Company (in this Act called "the Company") were incorporated: And whereas the following Acts relating to the Company have since been passed, (namely,) "The *Brecon and Merthyr* Railway Extensions Act, 1860," "The *Brecon and Merthyr* Railway (Capital) Act, 1861," "The *Brecon and Merthyr* Railway Extensions Act, 1861," "The *Brecon and Merthyr* Railway Act, 1862," "The *Brecon and Merthyr* Railway Act, 1863," "The *Rumney* and *Brecon and Merthyr* Railways Act, 1863," "The *Brecon and Merthyr* Railway Act (No. 1), 1864,"

22 & 23 Vict. c. lxviii.

23 & 24 Vict. c. xvii.

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

25 & 26 Vict. c. clxxxiv.

26 & 27 Vict. cc. cxcvi. & ccii.

27 & 28 Vict. cc. cclxv. & cccix.

1864," and "The *Brecon and Merthyr* Railway (New Lines) Act, 1864:" And whereas under those Acts the general Undertaking of the Company consists of a Line of Railway from *Brecon* to *Merthyr Tydvil* (there to join the *Taff Vale* Railway), and certain Branch Railways and Junction Railways, with the Works connected therewith, and the Lands acquired for the Purposes thereof, and their separate Undertaking, which was first constituted by "The *Brecon and Merthyr* Railway Extensions Act, 1861," and under that Act, and "The *Brecon and Merthyr* Railway Act, 1862," "The *Rumney* and *Brecon and Merthyr* Railways Act, 1863," "The *Brecon and Merthyr* Railway (No. 1) Act, 1864," and "The *Brecon and Merthyr* Railway (New Lines) Act, 1864," now consists of Railways running from their Main Line in the Parish of *Llanddetty* to the *Merthyr, Tredegar, and Abergavenny* Railway, and to the *Sirhowy* Railway, and to *Gelligaer*, and of the *Rumney* Railway, and of certain other Railways, Branch Railways, and Junction Railways, with the Works connected therewith, and the Lands acquired for the Purposes thereof: And whereas under the recited Acts certain Shares and Stock of the Company are Shares and Stock in their general Undertaking, and Part of their Debt is secured on that Undertaking, and other Shares and Stock of the Company are Shares and Stock in their separate Undertaking, and Part of their Debt is secured on that Undertaking: And whereas it is expedient that Provision be made for the Union and Amalgamation of the Undertakings of the Company, and for the Consolidation of their several Capitals, Stocks, Shares, Revenues, and Securities, and for other Purposes incident to the Objects aforesaid: And whereas it is expedient that the Company be empowered to raise more Money for the Purposes of this Act and for common Purposes, (that is to say,) the Purposes of their Undertakings under the before-named Acts, the Acquisition of Rolling Stock for Use on other Undertakings connected with them or over which they have Powers, and other Purposes relating to those Undertakings: And whereas it is expedient that the Company be authorized to make and maintain a Railway (in this Act called "the *Ivor* Junction," and wholly in the Parish of *Merthyr Tydfil* and County of *Glamorgan*,) from their Railway near the *Pant* Station thereon to a Point near the Weighing Machine of the *Dowlais* Iron Company's Limestone Railway: And whereas it is expedient that the Company be authorized to make and maintain a Railway (in this Act called "the *Dowlais* Junction," and wholly in the said Parish of *Merthyr Tydfil*,) from the Termination of the *Ivor* Junction to *Dowlais*: And whereas it is expedient that the Company be authorized to make and maintain a Deviation Railway (in this Act called "the *Llwyncelyn* Diversion") in substitution for Part of the Line of the *Cyfarthfa* Deviation authorized by "The *Brecon and Merthyr* Railway Act, 1863:" And whereas Plans and Sections describing the Lines and Levels

Levels of the said proposed Railways and Works, and the Lands 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, were, on or before the Thirtieth Day of *November* One thousand eight hundred and sixty-four, deposited with the Clerk of the Peace for the County of *Glamorgan*, 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 by virtue of "the *Brecon and Merthyr* Railway Act, 1862," (which received the Royal Assent on the Twenty-ninth Day of *July* One thousand eight hundred and sixty-two,) the Company were authorized to make and maintain (amongst other Works), first, a Railway commencing from their authorized Main Line in the Parish of *Llanddetty* and County of *Brecon*, and terminating by a Junction with the *Taff Vale* Railway in the Parish of *Merthyr Tydfil* and County of *Glamorgan*, and by that Act (Section Twenty) the Period of Three Years from the passing thereof was limited for the Completion of the said Railway thereby first authorized and other Railways: And whereas by "The *Brecon and Merthyr* Railway Act, 1863," the Company were authorized to make and maintain a Deviation Railway (the *Cyfarthfa* Deviation) in substitution for Part of the Line of the Railway first authorized by "The *Brecon and Merthyr* Railway Act, 1862," and (Section Fourteen) the Period of Three Years from the passing of "The *Brecon and Merthyr* Railway Act, 1862," was limited for the Completion of the *Cyfarthfa* Deviation: And whereas it is expedient that the Period so limited for the Completion of the Railway first authorized by "The *Brecon and Merthyr* Railway Act, 1862," (excepting the Part of that Railway for which the *Cyfarthfa* Deviation is substituted,) and of the *Cyfarthfa* Deviation, be extended: And whereas by "The *Brecon and Merthyr* Railway Act, 1862," certain Portions of the Railways authorized by the original Act, and which would have connected the authorized Main Line of the Company with the *Dowlais* Railway of the *Dowlais* Iron Company, were directed to be abandoned, and upon the Abandonment thereof the Company were by that Act (Section Twelve) required to maintain a Junction at or near *Pant* between their authorized Main Line and the Limestone Railway of the *Dowlais* Iron Company, and at such Junction to receive, and thence convey and there deliver, certain Waggons, Carriages, Goods, and Minerals: And whereas the Object of that Junction, and of the abandoned Portions of Railway for which it was substituted, will be attained by the Construction of the *Ivor* Junction, and it is expedient that upon the opening for public Traffic of the *Ivor* Junction Section 12 of "The *Brecon and Merthyr* Railway Act, 1862," be repealed: And whereas the Objects before mentioned cannot be effected without the

Authority

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,)

Short Title.

1. This Act may be cited for any Purpose as "*Brecon and Merthyr* Railway (Various Powers) Act, 1865."

8 & 9 Vict. cc. 18. & 20. 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. (relating to Construction of a Railway) and Part II. (relating to Extension of Time) of "The Railways Clauses Act, 1863," are incorporated with this Act.

Certain Provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. 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 the 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 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 4, relating to Change of Name of that Act,) are 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 Company; and in construing those Clauses and Provisions and that Act 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, until the Union of the general Undertaking and the separate Undertaking of the Company by this Act provided for, the general Undertaking or the separate Undertaking as by this Act defined, according as the respective Shares or Stock are by this Act declared Shares and Stock in the one or the other, and the respective Monies are by this Act authorized to be borrowed on the Security of the one or the other, and after the Union the united Undertaking of the Company; and the Term "Superior Courts" shall include any Court

Court of competent Jurisdiction as interpreted by this Act (unless in so far as there may be in any Case something in the Subject or Context repugnant to or inconsistent with such Construction).

Interpretation of Terms.

4. In this Act the Expression "the separate Undertaking" means and comprises the Railways and Works or Undertaking defined as "the separate Undertaking" in "The *Brecon and Merthyr Tydfil Junction* Railway Act, 1862," and all other Railways, Works, and Property from Time to Time declared by this Act or any other Act Part of the separate Undertaking of the Company; 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); 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.

Same Meanings to Words in this Act as in incorporated 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.

Union of Company's Undertakings.

6. The separate Undertaking of the Company may at any Time hereafter, by a Resolution passed by not less than Three Fifths of the Votes of the registered Holders of Shares and Stock in the separate Undertaking, voting personally or by proxy at some Extraordinary Meeting of the Company convened with Notice of this Object of the Meeting (and at which Meeting Votes shall be allowed in respect of those Shares and that Stock only), and by a Resolution passed by not less than Three Fifths of the Votes of the registered Holders of Shares and Stock in the Company, other than Shares and Stock in the separate Undertaking and Debenture Stock, (and at which Meeting no Vote shall be allowed in respect of any Share or Stock in the separate Undertaking,) be united with the general Undertaking of the Company from such Date and on such Terms and Conditions as may be by the Resolutions of both Meetings determined, and that Date, or if the same Date be not fixed by the Resolutions of both Meetings, then the Date of the passing of the last of those Resolutions, shall for the Purposes of this Act be the Time of Union.

Consequences of Union.

7. Upon and from the Time of Union the following Consequences shall ensue; (to wit,)

The separate Undertaking of the Company and the Revenues and Profits thereof shall be and hereby are united and amalgamated with the general Undertaking of the Company and the Revenues and Profits thereof:

It shall not be necessary for the Company to keep separate Accounts of Receipts or Payments from, for, or on account of the separate Undertaking separate from those of the general Undertaking:

All Capital of the Company created under the Authority of the recited Acts or of this Act, or of any other Act of the present Session of Parliament, shall be and hereby is consolidated, and shall be Capital in the united Undertaking, and the Shares and Stock representing the same shall be Shares and Stock in the united Undertaking:

All Shares and Stock of the Company entitled to any Preference or Priority of Interest or Dividend created or to be created under the Authority of the recited Acts or of this Act before the Union shall rank and have Priority according to the respective Dates of the Acts authorizing their Creation:

All Mortgages granted or to be granted by the Company under the Authority of the recited Acts or of this Act shall attach and become Charges on the consolidated Undertaking of the Company, and the Tolls, Charges, and Revenues arising therefrom, and shall during their Continuance in force rank and have Priority according to the Dates of the respective Acts by which the same were authorized to be granted.

Saving Rights of certain Shareholders in Rumney Railway.

8. Provided always, That nothing in this Act contained shall prejudice or affect the Shares or Stock retained under the Authority of "The *Rumney* and *Brecon and Merthyr* Railways Act, 1863," by certain of the Proprietors in the *Rumney* Railway Company, or their Rights or Interests under that Act, or any Agreement authorized by that Act.

Saving Scales of Tolls.

9. Nothing in this Act contained shall empower the Company to levy any greater or other Tolls, Rates, and Charges, or maximum Charges, upon or in respect of any Undertaking or Portion of Undertaking or Railway of the Company than they are by the recited Acts authorized to levy thereon or in respect thereof.

Application of authorized Funds.

10. The Company may from Time to Time apply for the Purposes of this Act any Monies raised or to be raised by them under the recited Acts or any of them: Provided that before the Union the Company shall not so apply, for the Purposes of the *Ivor* Junction

Junction or the *Dowlais* Junction, any Monies raised or to be raised for the Purposes or on the Security of their general Undertaking, or of any Part thereof.

Further Capital.

11. The Company may from Time to Time, under the Authority of this Act (in addition to such Sums of Money as they are from Time to Time by any other Acts authorized to raise), raise, by the Creation and Issue of new Ordinary Shares or of new Ordinary Stock, or (at the Option of the Company) by either of those Modes, or by the Creation and Issue of new Preference Shares or of new Preference Stock, or (at the Option of the Company) by either of those Modes, any Sums not exceeding the following:

For the Purposes of the *Ivor* Junction and the *Dowlais* Junction any Sums not exceeding in the whole Fifteen thousand Pounds:

For common Purposes, as in this Act defined, any Sums not exceeding in the whole Two hundred and forty thousand Pounds.

Amount, &c. of new Shares.

12. Subject to the Provisions of this Act, the Company may create the new Shares by this Act authorized of such Amounts, and may fix the Amount and Time of Payment of the Calls thereon, as the Company from Time to Time think fit: Provided that the Company shall not create any such Share of a less Amount than Ten Pounds.

Shares not to vest until One Fifth paid up.

13. It shall not be lawful for the Company to issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Limit of Amount and Number of Calls.

14. The Amount of any One Call to be made upon any Share shall not exceed the Rate of Twenty *per Centum* on the Amount of such Share, and there shall be an Interval of Two Calendar Months at least between every Two successive Calls, and not more than Three Fourths of Amount of each Share shall be called up in any One Year.

Names of new Shares, &c. created before Union.

15. Such of the new Shares and Stock created under the Authority of this Act as are created before the Union, if created for the Purposes of the *Ivor* Junction and *Dowlais* Junction, shall be called and are in this Act referred to as "*Ivor and Dowlais* Junction Shares," or "*Ivor and Dowlais* Junction Stock," and One Half of the Shares and Stock created for common Purposes shall be called and are in this Act referred to as "common Purposes (general Undertaking) Shares," or "common Purposes (general Undertaking) Stock,"

Stock," and the other Half thereof shall be called and are in this Act referred to as "common Purposes (separate Undertaking) Shares," or "common Purposes (separate Undertaking) Stock."

Shares in both Undertakings need not be created pari passu.

16. Provided, That it shall not be obligatory on the Company when they create any Shares or Stock in either Undertaking for common Purposes to create a like Amount or any Amount of Shares or Stock for common Purposes in the other Undertaking.

Names of Shares, &c. created after Union.

17. All Shares and Stock, for whatever Purposes, created under the Authority of this Act after the Union, shall be called and are in this Act referred to as "united Shares" or "united Stock."

Position of common Purposes Shares and Stock.

18. Until the Union the common Purposes (general Undertaking) Shares and common Purposes (general Undertaking) Stock shall be and be deemed respectively Shares and Stock in the general Undertaking of the Company, and the Holders thereof shall not in respect thereof have or be entitled to Interest or Dividend out of the Profits of the separate Undertaking of the Company, and "The Companies Clauses Act, 1863," incorporated with this Act, shall be read and have Effect accordingly.

Position of Ivor and Dowlais Junction Shares and Stock.

19. Until the Union the *Ivor and Dowlais* Junction Shares and *Ivor and Dowlais* Junction Stock, and the common Purposes (separate Undertaking) Shares and common Purposes (separate Undertaking) Stock, shall be and be deemed respectively Shares and Stock in the separate Undertaking of the Company, and the Holders thereof shall in respect thereof have or be entitled to Interest or Dividend only out of the Profits of the separate Undertaking, and not out of the Profits of the general Undertaking, and "The Companies Clauses Act, 1863," incorporated with this Act, shall be read and have Effect accordingly.

Votes and Qualifications for same.

20. Until the Union the Shares and Stock by this Act declared Shares and Stock in the separate Undertaking shall not confer any Right of voting or Interference at any Meeting of the Company on any Question or Proceeding which shall not directly affect the separate Undertaking, and the Provisions of Section Forty of "The *Brecon and Merthyr* Railway Act, 1862," with respect to the Qualification of Directors, are hereby extended and applied (until the Union) to such Shares and Stock.

Votes, &c. may be restricted.

21. If the Meeting of the Company creating any Shares or Stock under the Authority of this Act so resolve, the Shares or Stock to which the Resolution applies shall not confer any Right whatever of voting at Meetings of the Company, or any Qualification for the Office of Director.

22. Subject

Qualifications of new Shareholders.

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

Power to borrow on Mortgage.

23. For the Purposes and under the Authority of this Act the Company may from Time to Time, with the Sanction 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 the following:

For the Purposes of the *Ivor* Junction and *Dowlais* Junction, and in respect of the additional Capital of Fifteen thousand Pounds by this Act authorized to be raised for those Purposes, any Sum not exceeding in the whole Five thousand Pounds:

For common Purposes, as in this Act defined, and in respect of the additional Capital of Two hundred and forty thousand Pounds by this Act authorized to be raised for those Purposes, any Sums not exceeding in the whole Eighty thousand Pounds.

Restrictions on borrowing.

24. The Company shall not borrow any Money under the Authority of this Act until the whole of the respective additional Share Capital in respect of which the Money is by this Act authorized to be borrowed is subscribed for or taken, and One Half thereof is paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that Shares for the whole of that additional Capital have been issued and accepted *bonâ fide*, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share has been paid up thereon 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).

Mortgages of separate Undertaking before Union.

25. All Money borrowed by the Company under the Authority of this Act before the Union for the Purposes of the *Ivor* Junction and *Dowlais* Junction shall be borrowed on Mortgage of the separate Undertaking, and shall not before the Union be a Charge upon or confer any Right or Remedy against the general Undertaking, or the Tolls, Rates, or Charges arising thereon; and all Money borrowed by the Company under the Authority of this Act for common Purposes before the Union shall be borrowed on Mortgage of both their Undertakings.

As to Mortgages after the Union.

26. All Money borrowed by the Company under the Authority of this Act after the Union shall be borrowed on Mortgage of the united Undertaking, and the Tolls, Rates, and Charges arising thereon.

Priority of existing Mortgages.

27. All Mortgages granted by the 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, but until the Union only 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.

Application of Monies raised under this Act.

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

Power to take Lands.

29. Subject to the Provisions of this Act, the Company may for the Purposes of this Act from Time to Time enter upon, take, and use such of the Lands shown on the deposited Plans and described in the deposited Books of Reference as they think necessary for those Purposes.

Provision as to Houses of Labouring Classes.

30. The Company shall, not less than Eight Weeks before, under the Powers of this Act, they take compulsorily in any City, Town, or Parish Houses amounting to Fifteen in Number, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take such Houses by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses, and the Company shall not take compulsorily any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner required by this Provision, and upon Production to any Justice of such Evidence as he shall think sufficient such Justice shall grant such Certificate accordingly.

For Protection of Dowlais Ironworks.

31. For the Protection of the *Dowlais* Ironworks and the *Dowlais* Estates, wherein Sir *Ivor Bertie Guest* Baronet, and *George Thomas Clark*, and the Right Honourable *Henry Austin Bruce*, as Trustees under the Will of Sir *Josiah John Guest* Baronet, deceased, are interested, the Provisions following shall be in force and have Effect:

(*a.*) The Company shall not (except in accordance with the Eighty-fifth Section of "The Lands Clauses Consolidation Act, 1845,") take, use, or enter upon any Lands being Part of the *Dowlais* Estates, except on Terms and Conditions which, if

if not agreed on between Sir *Ivor Bertie Guest*, *George Thomas Clark*, and *Henry Austin Bruce* and the Company, shall be determined by a single Arbitrator, to be on their or any of their Application named for the Purpose by the Board of Trade:

(*b.*) The Compensation to be made by the Company in respect of the Lands so taken may, if it be so agreed on or determined, be partly in Money and partly in Accommodation Works:

(*c.*) The Accommodation Works may include any Works so agreed on or determined for rendering the Interference of the *Ivor* Junction and the *Dowlais* Junction respectively by this Act authorized with the Railways belonging to the *Dowlais* Ironworks, and other now existing Means of Communication with the *Dowlais* Ironworks, as little prejudicial as can be, and for maintaining, so nearly as at present as Circumstances permit, unbroken Communication between the *Dowlais* Ironworks and other Parts of the *Dowlais* Estates.

Powers for compulsory Purchases limited.

32. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised, as regards the *Llwyncelyn* Diversion, after the Expiration of One Year, and as regards the other Railways and Works by this Act authorized after the Expiration of Two Years, from the passing of this Act.

Lands for extraordinary Purposes.

33. The Company may from Time to Time, under the Authority of this Act, purchase by Agreement, for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation Act, 1845," any Quantity of Land not exceeding in the whole Two Acres.

Power to make Railways.

34. Subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts and Parts of Acts contained, the Company may make and maintain upon the Lands delineated on the deposited Plans, and described in the deposited Books of Reference, the Railways and Works by this Act authorized, and, so far as the Lines and Levels thereof are shown upon the deposited Plans and Sections, may make and maintain the same according to the Lines and Levels so shown.

Description of Railways.

35. The Railways and Works by this Act authorized comprise the following Railways, with all proper and sufficient Sidings, Approaches, Station and other Accommodation Works and Conveniences connected therewith:

First (the *Ivor* Junction). A Railway (wholly in the said Parish of *Merthyr Tydfil*) commencing by a Junction with the Railway of

of the Company at a Point Fifty Yards or thereabouts South-east of the Passenger Booking Office at the existing *Pant* Station thereon, and terminating near the Weighing Machine on the *Dowlais* Iron Company's Limestone Railway:

Second (the *Dowlais* Junction). A Railway (wholly in the said Parish of *Merthyr Tydfil*) commencing at or near the Termination herein-before described of the *Ivor* Junction, and terminating near the Eastern End of *Lloyd Street*, in *Dowlais*:

Third (the *Llwyncelyn* Diversion). A Deviation Railway (wholly in the said Parish of *Merthyr Tydfil*) commencing by a Junction with the *Cyfarthfa* Deviation at or near the Point denoting the Distance of Four Miles and Seven Furlongs on the Plans deposited with the Clerk of the Peace for the County of *Glamorgan* in *November* One thousand eight hundred and sixty-two in respect of the *Cyfarthfa* Deviation, and terminating in and by a Junction with the *Cyfarthfa* Deviation at or near the Point on the same Plans denoting the Distance of Five Miles and Six Furlongs.

Dimensions of Bridges.

36. The Company may make the Arch of the Bridge for carrying the *Llwyncelyn* Diversion over the Road distinguished on the deposited Plans as 7a, in the Parish of *Merthyr Tydfil*, of any Height not less than Fourteen Feet.

Limiting Time for Completion.

37. Subject to the other Provisions of this Act, the *Llwyncelyn* Diversion shall be completed within Fifteen Months from the passing of this Act, and all other the Railways by this Act 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 Railway all the Powers by this Act granted for making that Railway, 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 Noncompletion of Works within Time limited.

38. If any Railway by this Act authorized to be made be not completed and opened for public Traffic within the Period by this Act limited for the Completion thereof, or if the Railway first described in the Fifth Section of "The *Brecon and Merthyr* Railway Act, 1862," as altered by "The *Brecon and Merthyr* Railway Act, 1863," and this Act, (including the Junctions between that Railway and the *Taff Vale* Railway mentioned in the Thirty-second Section of the said Act of 1862,) be not completed within the extended Period by this Act limited for such Completion, then (subject to the Provisions herein-after contained) the Company shall forfeit and pay the Sum of Fifty Pounds for every Day after the Expiration of those respective Periods during which such Railways shall remain unopened, which Amount

shall

shall be a Debt due from the 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 Company may be prevented from completing or opening the Railway 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 Company: Provided also, that nothing in this Act contained shall prejudice the Rights of the *Taff Vale* Railway Company under the Thirty-second Section of "The *Brecon and Merthyr* Railway Act, 1862."

Appropriation of Revenues.

39. Until the Union the respective Revenues and Profits of the *Llwyncelyn* Diversion shall fall into and become Part of the Revenues and Profits of the general Undertaking, and the respective Revenues and Profits of the *Ivor* Junction and *Dowlais* Junction shall fall into and become Part of the Revenues and Profits of the separate Undertaking.

Tolls, &c.

40. For the Purposes of the Tolls, Rates, and Charges to be taken thereon respectively, and for all other Purposes not by this Act otherwise provided for, the *Llwyncelyn* Diversion shall respectively be and be deemed Part of the Railways authorized by the original Act, and the *Ivor* Junction and the *Dowlais* Junction shall respectively be and be deemed Part of the Railways authorized by "The *Brecon and Merthyr* Railway Extensions Act, 1861."

Company to abandon Part of authorized Lines.

41. The Company shall abandon and relinquish the Construction of so much of the *Cyfarthfa* Deviation as lies between the Commencement and Termination of the *Llwyncelyn* Diversion by this Act authorized.

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

42. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company before purchasing any Lands which they were by "The *Brecon and Merthyr* Railway Act, 1863," empowered to purchase for the Purpose of constructing the Portion of Railway so authorized to be abandoned as aforesaid, the 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 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 Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the 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.

Power to Mid-Wales Railway Company to use Llwyncelyn Diversion.

43. The Twenty-fifth and Twenty-sixth Sections of "The *Mid-Wales* Railway (*Llangurig* Branch, &c.) Act, 1863," with respect to the Use by the *Mid-Wales* Railway Company of the Railways of the Company mentioned in the said Twenty-fifth Section, are incorporated with this Act, and, subject to the Provisions of the said Twenty-fifth and Twenty-sixth Sections, the *Mid-Wales* Railway Company shall be entitled to use the *Llwyncelyn* Diversion in the same Manner and to the same Extent as if it had formed Part of the Railways mentioned in the said Twenty-fifth Section before and at the Time of the passing of "The *Mid-Wales* Railway (*Llangurig* Branch, &c.) Act, 1863."

Repealing Provision as to Junction with Limestone Railway.

44. Upon the opening for public Traffic of the *Ivor* Junction, Section Twelve (herein-before recited) of "The *Brecon and Merthyr* Railway Act, 1862," is by this Act repealed.

Sect. 13. of 24 & 25 Vict. c. ccxxxv., for Protection of Dowlais Iron Company, incorporated.

45. Section Thirteen of "The *Brecon and Merthyr* Railway Extensions Act, 1861," for the Protection of the *Dowlais* Iron Company, and the several Provisions thereof, are incorporated with 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 that Section 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.

Saving Rights of Dowlais Iron Company.

46. 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.

Defining the Dowlais Iron Company.

47. The Expression "the *Dowlais* Iron Company" in this Act shall have the Meaning assigned to it by Section Eighteen of "The *Brecon and Merthyr* Railway Extensions Act, 1861."

48. The

Extending Time for Completion of certain Lines.

48. The Powers of the Company under the recited Acts and this Act for the Construction of the Railway by "The *Brecon and Merthyr* Railway Act, 1862," first authorized, as altered by "The *Brecon and Merthyr* Railway Act, 1863," and this Act, may be exercised within Fifteen Months, but shall not be exercised after the Expiration of Fifteen Months, from the passing of this Act.

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

49. The 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 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 of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

50. The Company shall not, out of any Money by any Act relating to them authorized to be raised for the Purpose of such Act by Shares or borrowing, 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.

51. Nothing in this Act shall exempt the Railways by this Act or the recited Acts authorized, or the 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 Act or the recited Acts.

Expenses of Act.

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

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