CHAPTER ccxxx.

An Act for making a Railway from the Ely Valley Railway into the Clydach Valley; and for other purposes. A.D. 1873.

[5th August 1873.]

WHEREAS the making of the railway herein-after described will be of public and local advantage:

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

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

And whereas plans and sections showing the lines and levels of the said railway, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of Glamorgan, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Ely and Clydach Valleys Railway Act, 1873."

Provisions of Acts herein named incorporated.

2. "The Railways Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation Act, 1845," and Part I. (relating to concellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands

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Clauses Consolidation Acts, 1845, 1860, and 1869," and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the railway" or "the undertaking" means the railway or undertaking by this Act authorised; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. John Samuel Gibbon, Henry Lewis, Vaughan Hanning Lee, George Crofts Williams, Richard Bassett, 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 Ely and Clydach Valleys 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 railway according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway 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 railway herein-before referred to and authorised by this Act is—

A railway, two miles and five furlongs in length, wholly situate in the parish of Ystradyfodwg in the county of Glamorgan, commencing by a junction with the Ely Valley Railway at or near the present termination thereof near the Pen-y-Graig Colliery, and terminating at a fork of the Clydach Brook eight

hundred and thirty-six yards or thereabouts north-west of the pits now being sunk to the steam coal measures, and called the Clydach Vale Colliery:

Provided always, that in the construction of the railway between the points distant respectively one mile five furlongs and five chains and two miles one furlong from the commencement of the railway as shown on the deposited plans, the Company shall not deviate from the centre line more than ten yards to the north, or construct any works whatever to the north, except such as may be required for the construction of the main line, without the consent in writing of Messieurs Samuel Thomas and John Osborne Riches, or the owners for the time being of the colliery known as the Clydach Vale Colliery: Provided also, that it shall not be lawful for the Company to enter upon, take, or use any lands, not being public roads or highways, except by agreement with the owners of such lands, and of any persons holding leases thereof for terms of which not less than twenty years shall at the time of entry be unexpired; and if the compensation to be paid to any such owners or lessees in respect of any such lands belonging to or held in lease by them shall not have been agreed upon before or at the time when such consent is given by them, such compensation shall be fixed in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement.

Capital.

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

Shares not to issue until one fifth paid up.

7. The Company shall not 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 of the amount of such share is paid in respect thereof.

Calls.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

9. If any money is payable to a shareholder, being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eleven thousand pounds, but

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no part thereof shall be borrowed until the whole capital of thirty-three 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.

11. 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 pounds in the whole.

Debenture stock.

12. 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.

Application of moneys.

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

First ordinary meeting.

14. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of directors.

15. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

16. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum.

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

First directors.

Election of directors.

18. John Samuel Gibbon, Henry Lewis, Vaughan Hanning Lee, George Crofts Williams, and Richard Bassett shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

19. 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 one acre.

Inclinations of certain roads.

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

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
16	Ystradyfodwg -	Public road -	1 in $7\frac{1}{4}$ on one side and level on the other.
48	Ystradyfodwg -	Public road -	1 in $5\frac{1}{4}$.

Width of a certain roadway.

21. The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the width herein-after specified; (that is to say,)

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
16	Ystradyfodwg -	Public road - -	25 feet.

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

22. 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 five hundred and seventy pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Chancery in England in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the sum of one thousand five hundred and seventy pounds 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.

Application of deposit.

23. 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 landowers 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 aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the said 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 Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided, that until the said 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.

Not to take lands of Great Western or Ely Valley Railway Companies except for purposes of junction.

24. Notwithstanding anything herein contained, it shall not be lawful for the Company or 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 of the Ely Valley Railway Company, or in any manner to alter, vary, or interfere with the Ely Railway, or the works of or in connexion with that railway, without the consent of the Great Western Railway Company and the Ely Valley Railway Company under their respective common seals, save only for the purpose of effecting the junction and communication by this Act authorised.

Period for completion of works.

25. 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.

26. It shall be lawful for the Company to demand and take any tolls for the use of the railway, not exceeding the following; (that is to say,)

Tonnage on articles of merchandise.

In respect of the tonnage of articles conveyed upon the railway, or any part thereof, as follows:

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For all sorts of manure, and all undressed materials for the repair of highways, and for all coals, culm, ironstone, and iron ore, per ton not exceeding threepence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding one penny:

For all coke, charcoal, pitwood, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand, per ton not exceeding fivepence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding one penny:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise), per ton not exceeding sixpence; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding one penny:

For all goods, wares, merchandise, matters, or things (for which no other payment is herein imposed), per ton not exceeding one shilling; and if conveyed in carriages belonging to the Company, an additional sum per ton not exceeding twopence:

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

Tolls for passengers and animals.

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

For every person conveyed in or upon any such carriage, not exceeding sixpence; and if conveyed in or upon any carriage belonging to the Company, an additional sum not exceeding fourpence halfpenny:

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, not exceeding ninepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum not exceeding threepence:

For every calf, or pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, not exceeding threepence; and if conveyed in or upon any carriage belonging to the Company, an additional sum not exceeding three farthings.

Tolls for propelling power.

27. The Company may demand for the use of steam engines or other moving power, when provided by them for propelling carriages, any tolls not exceeding the following; (that is to say,)

For each passenger or animal, threepence; for coals, culm, coke, ironstone, and iron ore, and for iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise), one penny farthing per ton; and for other goods, one penny halfpenny per ton.

Regulations as to tolls.

28. The following provisions and regulations shall be applicable to the fixing of such tolls; (that is to say,)

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

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

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

Tolls for small parcels and single articles of great weight.

29. 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 parcels exceeding fifty-six pounds 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 such term shall apply only to single parcels in separate packages.

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For the carriage of any one boiler, cylinder, bob, or single piece of machinery, or single piece of timber or stone, or any other single article, the weight of which, including the carriage, shall exceed four tons but shall not exceed eight tons, the Company may demand such sum as they from time to time may think fit, not exceeding one shilling and sixpence per ton:

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

Maximum charges for cattle and goods.

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

For all sorts of manure, and all undressed materials for the repair of highways, and for all coals, culm, ironstone, and iron ore, per ton fivepence:

For all coke, charcoal, pitwood, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand, eightpence per ton:

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise), ninepence per ton:

For all goods, wares, or merchandise, matters or things (for which no other payment is herein imposed), one shilling and threepence per ton:

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, not exceeding two shillings and sixpence; and not exceeding sixpence for every additional quarter of a ton which such carriage may weigh:

For every horse, mule, ass, or other beast of draught or burden conveyed in or upon any such carriage, not exceeding one shilling:

For every ox, cow, bull, or neat cattle conveyed in or upon any such carriage, not exceeding ninepence:

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, not exceeding sixpence.

Maximum charges for passengers.

31. 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,)

For every passenger conveyed in a first-class carriage, ninepence:

For every passenger conveyed in a second-class carriage, sixpence:

For every passenger conveyed in a third-class carriage, fourpence halfpenny.

Terminal station.

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

Restrictions as to charges not to apply to special trains.

33. 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 charge 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.

34. 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 of 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.

Passengers luggage.

35. 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.

Power to enter into working agreements

36. The Company on the one hand and the Great Western Railway Company on the other hand may, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," from time to time

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with Great Western Railway Company.

enter into agreements with respect to the following purposes or any of them; (that is to say,)

The maintenance and management of the railway, or any part thereof, and of the works connected therewith, or any of them:

The use or working of the railway, or of any part thereof, and the conveyance of traffic thereon:

The supply of any rolling or working stock, and of officers and servants for the conduct and conveyance of the traffic on the railway:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for or beyond the railway and the railways of the Great Western Railway Company:

The fixing, collecting, division, apportionment, appropriation, and distribution of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of such traffic:

The payments to be made and the conditions to be performed with respect to the matters aforesaid, or any or either of them.

Tolls on traffic conveyed partly on the railway and partly on the railway of the Ely Valley Railway Company.

37. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Great Western Railway Company, the railway of the Company and the Ely Valley Railway 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 and partly on the Ely Valley Railway 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 or fraction of a 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 and partly on the Ely Valley Railway.

Interest not to be paid on calls paid up.

38. 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."

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

39. 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.

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

40. Nothing in this Act contained shall exempt the railway from the provisions of any general Act relating to railways, or the better or more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

41. 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.

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