ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cxxvi.

An Act to enable the *Merthyr, Tredegar, and Abergavenny* Railway Company to raise an additional Sum of Money, and to execute further Works; and for other Purposes.

[13th *July* 1863.]

WHEREAS by the *Merthyr, Tredegar, and Abergavenny* Railway Act, 1859, (in this Act called "the Act of 1859,") the *Merthyr, Tredegar, and Abergavenny* Railway Company (herein-after called "the Company") incorporated by such Act were authorized to make and maintain Railways for supplying Communication between the *Newport, Abergavenny, and Hereford* Railway and the District between *Merthyr* and *Abergavenny*: And whereas by the *Merthyr, Tredegar, and Abergavenny* Railway Leasing Act, 1862, (in this Act called "the Act of 1862,") the Company were enabled to lease to the *London and North-western* Railway Company, according to the Terms of an Agreement contained in a Schedule thereto, the Railways and Works of the Company, and by the same Act (Section Eight) the Company were required to lay down a Second Line of Rails on their Railways throughout by the First Day of *June* One thousand eight hundred and sixty-four, and the Provisions of the said Agreement were made to extend to the Railways of the Company as doubled under the Powers

22 & 23 Vict. c. lix.

25 & 26 Vict. c. ccix.

of the same Act: And whereas it is expedient that Powers should be granted to the Company for the following Purposes; *viz.*,

To purchase Land for increasing the Accommodation at the Company's Station at the Junction of their Railway with the *West Midland* Railway:

To alter and divert a certain private Tramway in the Parish of *Llanelly* and County of *Brecon*:

To alter and divert a certain private Approach Road in the Parish of *Abergavenny*:

And whereas it is expedient that the Company should be enabled to raise a further Sum of Money for the Purposes of their Undertaking as authorized by the recited Acts and this Act: And whereas it is expedient to exempt from the Provision of the Act of 1862, requiring the Company to lay down a Second Line of Rails throughout the whole of their Railway, so much of such Railway as passes through Two authorized Tunnels on the said Railway in the said Parish of *Llanelly*, and to extend the Time limited by the Act of 1862 for laying down a Second Line of Rails on the authorized Line of the Company, and also the Time limited by the Act of 1859 for completing the Railways of the Company: And whereas Plans and Sections of such proposed Alterations and Diversions showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through which the same are intended to be made or pass, and also Plans, together with Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the other Lands which may be required for the other Purposes of this Act, have been deposited with the Clerks of the Peace for the Counties of *Monmouth* and *Brecon*, which Plans, Sections, and Books of Reference are herein-after referred to as the deposited Plans, Sections, and Books of Reference: And whereas the several Objects of this Act cannot be attained 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 for any Purpose as "The *Merthyr, Tredegar, and Abergavenny* Railway Act, 1863."

Interpretation of Terms.

2. The several Words and Expressions to which by the several Acts incorporated with and extended to this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

8 & 9 Vict. cc. 18. & 20. and

3. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts

Acts Amendment Act, 1860," shall be incorporated with and form Part of this Act, except so far as altered or varied by this Act. 23 & 24 Vict. c. 106. incorporated.

4. The following Provisions of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with this Act, and shall be applicable to the Money by this Act authorized to be raised, to wit: Parts of 8 & 9 Vict. c. 16. incorporated.

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 affording Access to the Special Act by all Parties interested.

5. The Company may make and maintain the several Alterations and Diversions herein-after described, with all proper Conveniences connected therewith, in the Lines and upon the Lands delineated upon the Plans and described in the Book of Reference, and according to the Levels described on the Sections relating thereto, deposited as aforesaid, and may enter upon, take, and use such of the said Lands as the Company deem requisite for such Purposes. Power to construct Railway and Works according to deposited Plans.

6. The Works by this Act authorized to be constructed comprise the following; that is to say, Description of Works.

The Alteration and Diversion of the inclined Plane of a certain private Tramroad situate in the Parish of *Llanelly* in the said County of *Brecon*, and now in the Occupation of Messieurs *John Jayne*, *Thomas Wedmore*, and *John Maund*;

The Alteration and Diversion of the Line of a private Approach Road situate in the said Parish of *Abergavenny*, and now used for the Purpose of communicating from the *Pennypound Road* to a Field Number 41 in that Parish on the Parliamentary Plans deposited with the Clerk of the Peace for the said County of *Monmouth*, and referred to in the Act of 1859.

7. For the Purpose of enabling the Company to increase the Accommodation and Conveniences of their Station at the Junction of their Railway Power to purchase Lands for

Station Accommodation at Junction with West Midland Railway.

Railway with the *West Midland* Railway, it shall be lawful for the Company to purchase, either by Agreement or by Compulsion, certain Lands situate in the Parish of *Abergavenny* and County of *Monmouth*, and delineated on the deposited Plans, in connexion with such Station: Provided always, nevertheless, that nothing herein contained shall empower the Company to purchase any of the Lands belonging to the Committee of Visitors of the Joint Counties Lunatic Asylum at *Abergavenny*, except such Part thereof as is distinguished by the Colour Pink on a Plan signed by the Most Honourable the Marquis of *Sligo*, otherwise the Lord *Monteagle*, and deposited in the Parliament Office in relation to this Act, and the Purchase Money for such Land shall be Three hundred and twenty-five Pounds.

For preserving Access to Lands of the Joint Counties Lunatic Asylum at Abergavenny.

8. Before the present Siding belonging to or used by the said Committee of Visitors is interfered with, the Company shall at their own Expense, and to the Satisfaction of the said Visitors, lay down and form a new Siding, with proper Access thereto to and from the Asylum Land, at some Point to be agreed upon between the Committee of Visitors and the Engineer of the Company, which Siding, together with the Points and Crossings and other Works belonging thereto, shall be for ever hereafter maintained and kept in good and sufficient Repair and Working Condition by and at the Expense of the Company, and shall be for the sole Use and Benefit of the said Committee of Visitors, and so far as the same shall be formed on the Lands hereby authorized to be purchased shall be and remain their Property; and the Company shall from Time to Time, and at all Times hereafter, permit and suffer the said Committee of Visitors to use and enjoy the said Siding for the Purposes of the said Asylum, and of receiving and unloading and loading and despatching Goods, Wares, and Merchandise at and from the Asylum Premises, and such Siding shall be so constructed as to afford Communication either directly or indirectly with the Lines of Railway both of the Company and of the *West Midland* Railway Company for the Conveyance of Goods, Wares, and Merchandise to and from the Asylum over both of those Lines, and shall be as convenient for those Purposes as the Siding at present used by the said Committee of Visitors for the Conveyance and Delivery of Goods, Wares, and Merchandise by means of the *West Midland* Railway only; and the Company shall convey (or procure to be conveyed, as the Case may be,) all such Goods, Wares, and Merchandise, whether consigned to be conveyed by the Railway of the Company or by the *West Midland* Railway, and shall deliver or procure to be delivered the same upon and at the said intended new Siding at convenient Times, not later than Two of the Clock in the Afternoon, and upon the Terms following; (that is to say,) the ordinary Tolls payable for the Time being by Act of Parliament for the Use of the Railway, and of Waggons and locomotive Power, in respect of such Goods, Wares, and Merchandise, shall be charged only according to the actual Distance which they shall or may be taken or conveyed,

conveyed, and no terminal Charge shall be made for the same: Provided always, nevertheless, that the Company shall not be obliged to allow any of their Trucks or Waggons to remain on the said Siding for the Purpose of loading or unloading for more than Two Days, except on Payment of the usual Charge for Demurrage.

Consent of West Midland Company to be obtained where necessary.

9. The Company shall obtain the Consent and Concurrence of the *West Midland* Railway Company to and in the foregoing Arrangements in all Cases where to carry out the same effectually such Consent and Concurrence may be necessary.

Company to maintain Fence between Land purchased by them and rest of the Asylum Premises.

10. The Company shall construct, and for ever hereafter maintain, throughout the whole Length of the Land to be purchased by the Company of the said Visitors, a Boundary Fence between such Land and the rest of the Asylum Premises, such Fence, unless otherwise agreed, to consist of a Stone Wall Eight Feet high above the Surface of the Asylum Ground.

Reserving Right to restore, &c., Water Pipes to the Asylum under Land purchased by Company.

11. The Right to continue, and from Time to Time to restore, repair, and renew, the present Pipes, and to substitute other Pipes for the Conveyance of Water to the Asylum under the Land hereby authorized to be purchased, shall be reserved to the said Committee of Visitors (they the said Committee of Visitors, nevertheless, in restoring, repairing, and renewing the present Pipes, or in substituting other Pipes, causing as little Interruption as may be to the Traffic of the Company); and the Company shall not, in carrying out their Works or otherwise, interfere with the said Pipes, or obstruct the Flow of Water through the same, and in the event of any Damage being occasioned to such Pipes by any Act, Neglect, or Default of the Company they shall forthwith repair and make good the same.

Powers for compulsory Purchases limited.

12. The Powers for the compulsory Purchase of Lands given by this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Power to raise additional Capital by new Shares.

13. In addition to the Sum or Sums of Money which the Company are authorized to raise by the Act of 1859, the Company may from Time to Time raise by the Creation of new Shares in their Undertaking, in One or more Class or Classes and of such Amounts as shall from Time to Time be determined by the Resolution of any Ordinary or Extraordinary Meeting of the Company, any additional Sums of Money not exceeding in the whole Seventy thousand Pounds.

All Shares of same Class to bear same Dividend.

14. Provided always, That all new Shares of the same Class shall be of the same Amount, and shall bear and confer the same Interest or Dividend, Rights and Privileges.

Disposition of new Shares.

15. All Shares created by the Company under the Powers of this Act may be disposed of in such Manner, to such Persons, and on such Conditions as the Company think fit.

Power to cancel unissued Shares.

16. If after having created any Shares the Company determine not to issue the whole of such Shares they may cancel the unissued Shares, and from Time to Time thereafter may create in lieu thereof other Shares of an aggregate Amount not exceeding the aggregate Amount of the Shares so cancelled.

Calls.

17. The greatest Amount of a Call on a new Share created by the Company shall be Three Pounds, and Three Months at the least shall be the Interval between successive Calls, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Shares.

As to Votes, &c. in respect of new Shares.

18. The new Shares created by the Company shall confer on the Holders thereof Rights of voting and Qualifications in proportion to the whole Amount for the Time being paid up thereon respectively.

Power to borrow on Mortgage.

19. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Twenty-three thousand Pounds in addition to the Sum authorized to be borrowed by the Act of 1859, but no Part of such additional Sum shall be borrowed until the whole Share Capital of the Company under this Act shall have been subscribed for, and One Half thereof shall have been actually paid up, and until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Priority of existing Mortgages.

20. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall have Priority over all Mortgages granted by virtue of this Act.

Application of Capital.

21. All Monies raised under the Powers of this Act by Shares or by borrowing shall be applied for the Purposes by the recited Acts and this Act authorized.

Company not to be obliged to double their Line in certain

22. Notwithstanding the Provision in the Act of 1862, requiring the Company to lay down a Second Line of Rails on their *Merthyr, Tredegar, and Abergavenny* Railway throughout, the Company shall not be compelled to lay down a Second Line of Rails on so much of such Railway

Railway as passes through Two Tunnels on the same situate in the Parish of *Llanelly*, One of which Tunnels is situate at or near the Point marked Six Miles Four Furlongs, and the other near the Point marked Seven Miles Four Furlongs, on the Plans deposited with the Clerk of the Peace for the County of *Brecon*, and referred to in the Act of 1859. Tunnels on authorized Railway.

23. The Period by the Act of 1859 limited within which the Railway thereby authorized should be completed, and the Period by the Act of 1862 prescribed within which the Company should lay down a Second Line of Rails on the said Railway, shall be respectively enlarged and extended until the First Day of *August* One thousand eight hundred and sixty-six. Extension of Time for Completion.

24. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *West Midland* Railway Company, or to alter, vary, or interfere with their Railway, Station, Sidings, or any of the Works thereof, without the Consent in Writing of the *West Midland* Railway Company, under their Common Seal, in every Instance for that Purpose first had and obtained. Not to take Lands or interfere with Works of West Midland Railway Company without Consent.

25. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by them, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying Interest on Money paid in anticipation of Calls, in conformity with "The Companies Clauses Consolidation Act, 1845." Interest not to be paid on Calls paid up.

26. It shall not be lawful for either of the before-named Companies, out of any Money by this Act or any other Act authorized to be raised by them, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Companies, or either of them, to construct any other Railway, or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

27. All the Costs, Charges, and Expenses of and incidental to the obtaining of this Act, and preparatory thereto, shall be paid by the Company. Expenses of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.