ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. ccclxxi.

An Act for making certain Branch Railways to be connected with the *Newport and Pontypool* Railway; and for incorporating a new Company for carrying on the *Monmouthshire* Canal Navigation.

[13th *August* 1846.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable* 32G.3. c.102.
Cut or Canal from or from some Place near Pontnewynydd *into the River* Usk *at or near the Town of* Newport, *and a collateral Cut or Canal from the same at or near a Place called* Cryndau Farm *to or near to* Crumlin Bridge, *all in the County of* Monmouth; *and for making and maintaining Railways or Stone Roads from such Cuts or Canals to several Iron Works and Mines in the Counties of* Monmouth *and* Brecknock: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said late Majesty, intituled *An Act for extending the* Monmouthshire *Canal Navigation; and for* 37G.3. c.100.
explaining and amending the said Act passed in the Thirty-second Year of the Reign of His then Majesty, for making the said Canal: And whereas an Act was passed in the Forty-second Year of the

42G.3. c.115. Reign of His said Majesty, intituled *An Act for making and maintaining certain Railways to communicate with the* Monmouthshire *Canal Navigation, and for enabling the Company of Proprietors of that Navigation to raise a further Sum of Money to complete their Undertaking; and for explaining and amending the Acts passed in the Thirty-second and Thirty-seventh Years of His then Majesty's Reign relating thereto:* And whereas an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to authorize the Company of Proprietors of the* Monmouthshire *Canal Navigation to make a Railway from* Newport *to* Pontypool; *and to enlarge the Powers of the several Acts relating to the said Company:* And whereas, under the said recited Acts or some of them, the Undertaking or Concern now known as the *Monmouthshire* Canal Navigation has been made, but the said *Newport and Pontypool* Railway in and by the said last-recited Act authorized to be made has not yet been made: And whereas the making of the Branch Railways, Extensions, and Works herein-after mentioned, (that is to say,) a Railway to commence at or near *Snatchwood House* in the Parish of *Trevethin* in the County of *Monmouth*, and to terminate by Two Termini, the one of such Termini being at or near to certain Iron Works in the Parish of *Llanover* in the said County of *Monmouth* known as the *Blaenavon* Old Furnaces, and the other of such Termini being in the Parish of *Llanwenarth* in the said County of *Monmouth*, and the making and maintaining a Branch Railway from and out of the intended *Newport and Pontypool* Railway to commence at or near the *Cwn Brân Brook* in the Parish of *Llanvrechva* otherwise *Llanvrechva Upper* in the County of *Monmouth*, and to terminate by Two Termini, one of such Termini being at or near to *Pontnewydd* Tin Works in the Parish of *Llanvrechva* otherwise *Llanvrechva Lower* in the said County of *Monmouth*, and the other of such Termini being at or near to *Pontrhydyrun* Tin Works in the Parish of *Panteague* in the said County of *Monmouth*, and the making and maintaining another Branch Railway from and out of the said intended *Newport and Pontypool* Railway to commence at or near *Llandowlâs Brook* in the Parish of *Llanvihangel Llantarnam* in the said County of *Monmouth*, and to terminate at or near Mr. *Joshua Flesher Hanson*'s Brick Works in the same last-mentioned Parish, the said respective Railways and Branch Railways, Extensions, and Works to be respectively connected with the said *Newport and Pontypool* Railway, would be of advantage to the Public: And whereas the Persons herein-after named are willing, at their own Expence, to carry such Undertaking into execution; and it would be also of advantage to the Public if the Persons herein-after named or referred to were incorporated, as well for the Purpose of making and maintaining the said proposed Railways, Branches, Extensions, and Works, as also for the Purpose of working, carrying on, and improving the said *Monmouthshire* Canal Navigation, and the several Canals, Railways, Tramroads, and Works made or authorized to be made under the said recited Acts; but inasmuch as the said several Purposes 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 Com-

8 & 9 Vict. c. 169.

mons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the "Companies Clauses Consolidation Act, 1845," and, so far as relates to the said Branch Railways, Extensions, and Works by this Act authorized to be made, the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, and, so far as the same or any of the Provisions thereof respectively shall, either immediately upon the passing of this Act, or at any Time or Times thereafter, be or become applicable to the Company hereby incorporated, and the several Purposes of this Act, save as to such Parts of the said Consolidation Acts as may be modified or be inconsistent with the Provisions of this Act.

8 & 9 Vict. cc.16.18.and 20. incorporated with this Act.

II. And be it enacted, That the Honourable *William Edward Fitzmaurice*, *Duncan Macdonnel Chisholm*, *John Chapman*, and all other Persons and Corporations who shall acquire any Shares in the Capital of the Company hereby incorporated in lieu of any Shares previously held by such Persons and Corporations in the Capital of the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe towards the Undertaking, and the Executors, Administrators, Successors, and Assigns of all such Persons and Corporations respectively, shall be united into a Company for the Purpose of making and maintaining the Railways, Branch Railways, and Extensions herein-after mentioned; (that is to say,) a Railway to commence at or near *Snatchwood House* in the Parish of *Trevethin* in the County of *Monmouth*, and to terminate by Two Termini, the one of such Termini being at or near to certain Iron Works in the Parish of *Llanover* in the said County of *Monmouth* known as the *Blaenavon* Old Furnaces, and the other of such Termini being in the Parish of *Llanwenarth* in the said County of *Monmouth*; another Branch Railway from and out of the intended *Newport and Pontypool* Railway to commence at or near the *Cwm Brân Brook* in the Parish of *Llanvrechva* otherwise *Llanvrechva Upper* in the County of *Monmouth*, and to terminate by Two Termini, one of such Termini being at or near to *Pontnewydd* Tin Works in the Parish of *Llanvrechva* otherwise *Llanvrechva Lower* in the said County of *Monmouth*, and the other of such Termini being at or near to *Pontrhydyrun* Tin Works in the Parish of *Panteague* in the said County of *Monmouth*; and another Branch Railway from and out of the said intended *Newport and Pontypool* Railway to commence at or near *Llandowlâs Brook* in the Parish of *Llanvihangel Llantarnam* otherwise *Llantarnam* in the said County of *Monmouth*, and to terminate at or near Mister *Joshua Flesher Hanson*'s Brick Works in the same last-mentioned Parish, with proper Works and Conveniences belonging thereto respectively; and for the Purpose of making, carrying on, and improving in the Manner herein-after mentioned the said Canals, Railways, Tramroads, and Works made or authorized to be made under the Powers of the said recited Acts, or any or either of them, and as well for the Purposes aforesaid as for other the Purposes herein contained, such Company shall be incorporated by the Name of the "*Monmouthshire* Railway Company," and

Subscribers incorporated.

and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

III. And whereas the estimated Expence of making the said *Newport and Pontypool* Railway authorized to be made by the said recited Act, with all proper Works connected therewith, is One hundred and nineteen thousand one hundred Pounds, and the estimated Expence of making the Railways, Branch Railways, Extensions, and Works authorized by this Act is Sixty-five thousand five hundred and fifty-five Pounds; be it enacted, That the Capital of the Company shall be Two hundred thousand Pounds, and such further Sum as may be added thereto as herein-after mentioned.

Number and Amount of Shares.

IV. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Eight thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

V. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Twenty Pounds shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

VI. And be it enacted, That it shall be lawful for the Company hereby incorporated to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Sixty-six thousand six hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two hundred thousand Pounds shall have been subscribed for, and One Half shall have been actually paid up.

Mortgagees may enforce Payment of Arrears by Appointment of a Receiver.

VII. And be it enacted, That it shall be lawful for the Mortgagees of the Company hereby incorporated to enforce the Payment of the Arrears of Principal and Interest advanced in pursuance of this Act on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver (in the event of the Principal Monies due on such Mortgages not being duly paid up), the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Twenty thousand Pounds in the whole.

Number and Qualification of Directors.

VIII. And be it enacted, That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

IX. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Sixteen, and that the reduced Number be not less than Eight.

X. And

First Directors of Company.

X. And be it enacted, That the Honourable *William Edward Fitzmaurice*, *Duncan Macdonnel Chisholm*, *John Brightman*, *John Chapman*, *Henry Garrett Key*, *John Lawrie*, *Edward Harris Phillips*, *Thomas Prothero*, and *William Mountford Nurse* shall be the first Directors of the Company.

Directors to remain in Office till first Meeting after passing of this Act.

XI. And be it enacted, That the Directors herein-before appointed shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the "Companies Clauses Consolidation Act, 1845," contained; 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 as in the last-mentioned Act is mentioned.

Quorum of Directors.

XII. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committee of Directors.

XIII. And be it enacted, That the Number of Directors forming Committees appointed by the Directors shall respectively consist of such Number as the Directors for the Time being shall think fit, not being less than Five, but such Committees shall not be empowered to make Calls for Money on the Shareholders, and the Quorum of such Committee shall be Three of the Members thereof.

Newspapers for Insertion of Advertisements.

XIV. And be it enacted, That the Newspapers in which the Advertisements relating to the Affairs of the Company are to be inserted shall be some *London* Newspaper, and One Newspaper published in the County of *Monmouth*.

Railways to be made according to deposited Plans.

XV. And whereas Plans and Sections of the Railway, Branch Railways, and Extensions showing the Line and Level thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Clerk of the Peace for the County of *Monmouth*; be it enacted, That, subject to the Provisions in this and the said Acts contained, it shall be lawful for the said Company to make and maintain the said Railway, Branch Railways, Extensions, and Works in the Line or respective Lines and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose,

Line of Railway.

XVI. And be it enacted, That the said respective Railways, Branch Railways, Extensions, and Works shall respectively commence and terminate as herein-after mentioned; (that is to say,) the Line of Railway shall commence at or near *Snatchwood House* in the Parish of *Trevethin* in the County of *Monmouth*, and shall terminate by Two Termini, the one of such Termini being at or near to certain Iron Works in the Parish of *Llanover* in the said County of *Monmouth* known as the *Blaenavon* Old Furnaces, and the other of such Termini being in the Parish of *Llanwenarth* in the said County of *Monmouth*, and shall pass from, through, or into the several Parishes of *Trevethin*, *Llanover*, and *Llanwenarth*, in the County of *Monmouth*.

Protecting Lands of New British Iron Company.

XVII. Provided always, and it is hereby enacted, That nothing herein contained shall authorize the Company hereby incorporated to take or use under the Powers hereof any Lands now belonging to the New *British* Iron Company without their Consent.

Branch to Pontnewydd Tin Works, and Pontrhydyrun Tin Works.

XVIII. And be it enacted, That another Branch Railway shall commence from and out of the intended *Newport and Pontypool* Railway at or near the *Cwm Brân Brook* in the Parish of *Llanvrechva* otherwise *Llanvrechva Upper* in the County of *Monmouth*, and shall terminate by Two Termini, one of such Termini being at or near to *Pontnewydd* Tin Works in the Parish of *Llanvrechva* otherwise *Llanvrechva Lower* in the said County of *Monmouth*, and the other of such Termini being at or near to *Pontrhydyrun* Tin Works in the Parish of *Panteague* in the said County of *Monmouth*, which last-mentioned Branch Railway shall be made from, in, through, or into the several Parishes and Places of *Llanvrechva*, *Llanvrechva Upper*, *Llanvrechva Lower*, *Llanvihangel Llantarnam*, and *Panteague*, in the County of *Monmouth*.

Branch to Mr. Hanson's Brick Works.

XIX. And be it enacted, That another Branch Railway from and out of the said intended *Newport and Pontypool* Railway shall commence at or near *Llandowlâs Brook* in the Parish of *Llanvihangel Llantarnam* in the said County of *Monmouth*, and shall terminate at or near Mr. *Joshua Flesher Hanson*'s Brick Works in the same last-mentioned Parish, and which last-mentioned Branch Railway shall be made wholly within the said Parish of *Llanvihangel Llantarnam*.

Company not to take Lands belonging to New British Iron Company.

XX. Provided always, and be it enacted, That nothing herein contained shall authorize the Company hereby incorporated to take or use any Lands now belonging to the New *British* Iron Company without their Consent in Writing.

Land for extraordinary Purposes.

XXI. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Power to cross Roads on the Level.

XXII. And whereas the Line of the said intended Railway is intended to be carried across the following public Highways, namely, Number 8 in the Parish of *Panteague*, and Numbers 509 and 351 in [illegible] the

the Parish of *Trevethin*, and it is expedient that the said Railway should cross the said Roads respectively on a Level; be it therefore enacted, That the said Company may make the said Railway across the above-mentioned Roads on a Level at or near the Points marked on the said Plan for the crossing thereof respectively.

Station or Lodge to be erected at level Crossings.

XXIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway shall cross on the Level any of the before-mentioned Roads.

Compulsory Purchase of Lands limited.

XXIV. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised at the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXV. And be it enacted, That the Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts incorporated herewith granted to the Company for executing the Railway or otherwise in relation thereto shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Power to purchase Monmouthshire Canal and other Works.

XXVI. And be it enacted, That it shall be lawful for the Company hereby incorporated at any Time after the passing of this Act to purchase and hold, and for the said Company of Proprietors of the *Monmouthshire* Canal Navigation to sell, and by a Deed under their Common Seal, duly stamped for denoting the Payment of the fair and proper Duty payable by Law in the Form in the Schedule (X.) in this Act, with or without Variations therefrom, or in any other Form, either in pursuance of any Agreements already entered into or hereafter to be entered into according to or in pursuance of the said recited Act of the Eighth and Ninth Years of Her said present Majesty, to transfer and convey, for such Price or Consideration and upon such Terms as shall have been already or shall be agreed upon between the same Companies respectively, all and singular the Canals, Tramroads, Stone Roads, and the said *Newport and Pontypool* Railway, and all other Railways, Branches, Works, Extensions, and Improvements thereof respectively, made by or for the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and whether made under the Powers of the said recited Acts or any of them, or with the Consent of Land Owners or otherwise, and all Works attached thereto, or made or provided for the Purposes thereof respectively, or by or for the Use of the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and also all Bridges, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Tanks, Reservoirs, Drains, Wharfs, Quays, Toll Houses, Warehouses, Watch-houses, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines or other Engines, Ways, Roads, Conveniences, and Appurtenances to the said Canal, and all Stations, Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Quays, Wharfs, Warehouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, Rails, and Appur-

Appurtenances to the said Railway, and to all Branches and Extensions thereof belonging, and all Lands, Tenements, Hereditaments, Easements, Rights, Powers, and Privileges whatsoever, and all other Property and Effects, whether real, personal, or mixed, and all Shares therein respectively, of and to which the said Company of Proprietors of the *Monmouthshire* Canal Navigation shall for the Time being be seised, possessed, or entitled at Law or in Equity, and the same immediately thereupon shall be well and effectually vested in and belong to the Company hereby incorporated for their absolute Benefit, subject nevertheless to the Payment of the Ground and other Rents affecting such Parts of the Property hereby authorized to be purchased as are leasehold, and subject also to the various Liabilities, Incumbrances, and Engagements to which the said Company of Proprietors of the *Monmouthshire* Canal Navigation now is, or shall at the Time of the Execution of such Transfer or Conveyance be subject or liable.

After Conveyance, Powers of Canal Company to be vested in Railway Company.

XXVII. And be it enacted, That the Company hereby incorporated shall, after the Execution of such Transfer or Conveyance, have, hold, use, occupy, and enjoy, work, carry on, and maintain, the same Canals, Railways, Tramroads, Works, Property, and Premises respectively in such Manner as near as may be as the same were previously held, used, occupied, and enjoyed, worked, carried on, and maintained, by the said Company of Proprietors of the *Monmouthshire* Canal Navigation under the said recited Acts; and all the Powers, Authorities, Regulations, Enactments, Restrictions, Exemptions, Rights, Privileges, and Tolls in and by the said recited Acts, or any or either of them, expressly or by reference contained thereby, or by some or one of them, or by reference to some Acts or Act therein referred to, vested in, or given or granted to, or imposed or conferred on, or authorized to be taken by, the said Company of Proprietors of the *Monmouthshire* Canal Navigation, or such or so many of them as immediately before the Execution of such Conveyance and Transfer as aforesaid were subsisting or liable to be paid, shall from and after such Execution be vested in, granted to, imposed and conferred on, and be taken and received by the said Company hereby incorporated, to all Intents and Purposes as if the same Company had been originally the Company in, upon, or in respect of whom the same Powers, Authorities, Regulations, Enactments, Restrictions, Exemptions, Rights, Privileges, Tolls, Matters, and Things had been vested, granted, given, imposed, and conferred, and as if the same had been specially repeated and re-enacted in this Act in reference to the Company hereby incorporated, and the Transfer and Conveyance hereby authorized, and the same Acts shall be construed herewith accordingly, save and so far and in such respects as the same Power, Authorities, Regulations, Enactments, Restrictions, Exemptions, Privileges, and Rights are hereby respectively repealed, altered, varied, or otherwise provided for expressly or by reference to the said Acts incorporated herewith: Provided nevertheless, that nothing in this Act contained, or done or executed by virtue thereof, shall annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Security, Act, Matter, or Thing whatsoever heretofore made, done, committed, or instituted under or by virtue or in pursuance of the said

Nothing in this Act to annul any thing done under recited Acts.

said recited Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Securities, Acts, Matters, and Things shall be, and the same are hereby declared to be, as good, valid, and effectual to all Intents and Purposes whatsoever as if this Act had not been passed, and such Transfer or Conveyance executed: Provided also, that nothing herein contained, nor any Act, Deed, Matter, or Thing, Conveyance or Assurance, to be made, done, or executed in pursuance of this Act, shall extend or operate in any way to defeat, lessen, affect, or prejudice any Rights, Privileges, Liberties, Powers, Remedies, Easements, Accommodations, or Exemptions, any or either of them, which, under or by virtue of the said recited Acts or any of them, are given, granted, continued, or reserved to or for the Benefit of Persons, Companies, and Corporations whose Messuages, Buildings, Mills, Forges, Furnaces, Lands, Roads, Ways, Tramroads, Railways, Bridges, Canals, Aqueducts, Viaducts, Estates, Properties, or Interests are, have been, or may be in any way affected in or by making and maintaining or otherwise on account of the Canals, Tramroads, Railways, and Works by the same Acts respectively authorized to be made and maintained, or to which such Persons, Companies, and Corporations are or may be otherwise entitled under or by virtue of the said recited Acts, or any or either of them, but all such Rights, Privileges, Liberties, Powers, Remedies, Easements, Accommodations, and Exemptions, notwithstanding this Act, and any such Sale, Disposition, or Transfer as aforesaid, shall be and continue to be as valid and effectual and binding upon and against the Company hereby incorporated, and all and every other Corporation, Company, and Persons whatsoever, as immediately before such Sale, Disposition, Conveyance, or Transfer they were valid, effectual, and binding upon and against the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and all and every other Corporation, Company, and Persons whatsoever; and such several Persons, Companies, and Corporations shall, notwithstanding such Sale and Transfer, be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Remedies, Easements, Accommodations, and Exemptions, or such and so many of them as before such Sale, Disposition, Conveyance, Transfer, or Assurance they were entitled to have, use, and enjoy, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the said Company hereby incorporated, and all and every other Corporation, Company, and Persons whatsoever, for securing the Possession, Use, and Enjoyment of such Rights, Liberties, Privileges, Powers, Remedies, Easements, Accommodations, and Exemptions, as under or by virtue of the said recited Acts, or any or either of them, they had or were or would or might have been entitled to upon and against the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and all and every other Corporation, Company, and Persons whatsoever, in case no such Sale, Disposition, Transfer, Conveyance, or Assurance had been made or executed, or in case this Act had not been passed; and all such Penalties, Damages, Monies, Costs, and Expences as, under the Provisions of the said recited Acts, or any or either of them, would or hereafter might have become payable to or recoverable by such Persons, Companies, and Corporations as aforesaid of and from the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and

Nothing to prejudice existing Rights.

all and every other Corporation, Company, and Persons whatsoever, in case this Act had not been passed, and no such Transfer, Conveyance, or Assurance had been executed, shall and may be payable by and recoverable from the said Company hereby incorporated, and all and every other Corporation, Company, and Persons whatsoever, in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said recited Acts, or any or either of them: Provided also, that nothing herein contained, nor any Act, Deed, Matter, or Thing to be made, done, or executed in pursuance of this Act, shall extend to affect or prejudice in any respect the Rights, Powers, Privileges, and Remedies of Owners and Occupiers of Lands, Mines, and Minerals, Mills, Forges, Furnaces, Canals, Railways, Tramroads, and other Works, in and to the several Branches, Communications, Canals, and Railways or Tramroads, whether made in pursuance of the Powers and Provisions contained in the said several recited Acts, or any or either of them, or with the Consent of Owners or otherwise, and communicating with the said Canals, Tramroads, Railways, and Works, or any or either of them, but that such several Owners and Occupiers shall, notwithstanding such Sale and Transfer and this Act, have, use, and enjoy the same Rights, Powers, Remedies, and Privileges in respect of such Branches, Communications, Canals, Tramroads, and Railways as immediately before such Sale and Transfer they respectively were entitled to have, use, and enjoy under or by virtue of the said recited Acts, or any or either of them, or otherwise, and as fully and effectually in all respects as if no such Sale and Transfer had been made and executed, and as if this Act had not been passed; and all Works and Things which, under the Provisions of the said recited Acts, or any or either of them, the said Company of Proprietors of the *Monmouthshire* Canal Navigation were bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which, under the Provisions of the said recited Acts, or any or either of them, were imposed upon or required to be observed by the said Company of Proprietors of the *Monmouthshire* Canal Navigation for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons, Companies, and Corporations whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Canals, Railways, Tramroads, Branches, and Works by the said recited Acts, or any or either of them, or otherwise authorized to be made and maintained, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as, under the Provisions of the said recited Acts, or any or either of them, are required to be made by the same Company, or such and so many of the aforesaid Works, Acts, Matters, Things, Regulations, Restrictions, and Payments as the said Company of Proprietors of the *Monmouthshire* Canal Navigation would have been bound or liable to construct, complete, maintain, make, do, execute, observe, perform, or pay in case this Act had not been passed, and such Transfer and Conveyance had not been executed, shall from and after the Execution of such Transfer or Conveyance be constructed, maintained, made,

Nothing to affect the Rights of Owners of Lands, &c.

made, done, and executed, observed, performed, kept, and paid, by the Company hereby incorporated, as fully to all Intents and Purposes as the same were by the said recited Acts, or any or either of them, required to be made, done, and executed, maintained, observed, performed, kept, and paid, by the Company of Proprietors of the *Monmouthshire* Canal Navigation, and as if the several Provisions in the said recited Acts, or any or either of them, contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been made applicable to the Company hereby incorporated.

Chattels and Choses in Action vested in Company.

XXVIII. And be it enacted, That from and immediately after the Execution of such Transfer or Conveyance as aforesaid all Persons and Corporations who immediately before the Execution of such Conveyance owed any Sums of Money to the said Company of Proprietors of the *Monmouthshire* Canal Navigation, or to any Person on their Behalf, shall pay the same, together with all Interest (if any) due or to accrue due for the same, to the Company hereby incorporated; and all Debts and Monies which immediately before the Execution of such Conveyance were due or owing by or recoverable from the said Company of Proprietors of the *Monmouthshire* Canal Navigation, or for the Payment of which the said Company of Proprietors of the *Monmouthshire* Canal Navigation was, or but for the passing of this Act would have been, liable, shall, after such Transfer or Conveyance, be paid, with all Interest (if any) due and to accrue due thereon, or be recoverable from the Company hereby incorporated; and all Conveyances, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the Execution of such Transfer or Conveyance to and with, in favour of, or by or for the said Company of Proprietors of the *Monmouthshire* Canal Navigation, or any Person on its Behalf, shall accordingly be and remain as good, valid, and effectual in favour of, against, and with reference to the Company hereby incorporated, and may be proceeded on and enforced in the same Manner, to all Intents and Purposes, as if the same Company had been a Party to and executed the same, or had been named or referred to therein instead of the Persons, Company, or Party actually named therein respectively.

Actions, &c. not to abate.

XXIX. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatever commenced either by or against the said Company of Proprietors of the *Monmouthshire* Canal Navigation previously to the passing of this Act, or the Execution of such Transfer or Conveyance, shall abate or be discontinued or prejudicially affected by this Act, or any Act or Deed done or executed by virtue thereof, but on the contrary the same shall continue and take effect both in favour of or against the Company hereby incorporated in the same Manner in all respects as the same would have continued and taken effect in relation to the said Company of Proprietors of the *Monmouthshire* Canal Navigation if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said herein-before recited Acts or either of them previously to the Execution of such Transfer or Conveyance shall and may, after the same, be sued for, and all Offences which may have been committed before the Execution of such Transfer or Conveyance

ance against the Provisions of the said recited Acts or either of them may, after the same, be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, and such Transfer had not been executed, the Company hereby incorporated being in reference to the Matters aforesaid in all respects substituted in the Place of the said Company of Proprietors of the *Monmouthshire* Canal Navigation.

Books, &c. to be Evidence.

XXX. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts or any of them authorized or directed to be kept, and thereby made Evidence, shall, notwithstanding such Transfer, still be admitted as Evidence in all Courts of Law and Equity or elsewhere.

Maps, &c. deposited to remain with Clerks of the Peace, and be open to Inspection.

XXXI. And be it enacted, That the several Maps or Plans and Books of Reference which, in pursuance of the said recited Acts or any of them, have been deposited with the Clerk of the Peace of the County of *Monmouth*, shall remain in the Custody of the said Clerk of the Peace, to the end that all Persons interested in any Manner therein may at all reasonable Times have Liberty to inspect the same; and to take Copies thereof or Extracts therefrom, at their Pleasure, such Persons paying to such Clerk from whom such Inspection or Copy or Extract may be demanded respectively the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copy or Extract; and the said Maps or Plans and Books of Reference, or any Copy thereof, or of so much thereof respectively as shall relate to any Matter which may be in question, certified to be a true Copy by the Clerk who may have made the same, shall be admitted as Evidence in all Courts of Law and Equity and elsewhere.

Works commenced under recited Act 8 & 9 Vict. c. 169. to be completed.

XXXII. Provided always, and be it enacted, That the said *Newport and Pontypool* Railway, and all other Works, Improvements, Matters, and Things which, under the Provisions of the said recited Act of the Eighth and Ninth Years of the Reign of Her said present Majesty, the said Company of Proprietors of the *Monmouthshire* Canal Navigation is authorized or required to execute or complete, and which shall not have been already executed or completed, may, on the Execution of such Transfer and Conveyance as aforesaid, be executed or completed, as the Case may be, by the Company hereby incorporated; and all Works and Improvements which any Person or Persons or Company or Companies were authorized or required to execute or complete, the same Company shall, as well in reference to such Railways, Works, Improvements, Matters, and Things, and the making and maintaining thereof, as also in reference to other the Purposes of the same Act, have and be entitled to all such Powers, Privileges, and Rights for executing and completing such Works as the said Company of Proprietors of the *Monmouthshire* Canal Navigation was entitled to under the said last-mentioned Act, and as fully as if the said Company hereby incorporated had been originally authorized and required to execute and complete the same Railway, and other Works, Improvements, Acts, Matters, and Things, instead of the

the Company actually authorized and required to execute and complete the same, and as if the aforesaid Powers in reference thereto respectively, and other the Purposes of the same Act, had been specially repeated and re-enacted in this Act in reference to the Company hereby incorporated, and the Sale, Transfer, and Conveyance by this Act authorized as aforesaid; and as respects such of the Provisions of the Railways Clauses Consolidation Act, 1845, as are by the said recited Act of the Eighth and Ninth Years of Her present Majesty made applicable to the existing Railways of the said Company of Proprietors of the *Monmouthshire* Canal Navigation after they shall have become Carriers by means of Locomotive Engines, the same Powers and Enactments shall, after the Execution of such Transfer and Conveyance as aforesaid, notwithstanding the same, remain, continue, and be as applicable to and in favour of and against the Company hereby incorporated, and all other Persons, and the Railways so to be transferred, as the same Provisions and Enactments previously were and continued applicable to the said Company of Proprietors of the *Monmouthshire* Canal Navigation; provided that where any particular Time is by the same Act limited for the Execution or Completion of such Works, the same shall and may be so executed and completed within the Period required by the said Act of the Eighth and Ninth Years of the Reign of Her said present Majesty for the making and Completion thereof; and the said Company hereby incorporated shall, after the Execution of such Transfer and Conveyance as aforesaid, have and be entitled to all such Powers of purchasing or renting Canals, Tramroads, and Railways which communicates either directly or indirectly with Canals, Tramroads, or Railways of the said Company of Proprietors; and the Owners of such Canals, Tramroads, or Railways so communicating shall have and be entitled to all such Powers of selling or leasing the same Canals, Tramroads, or Railways as in said last-mentioned Act are expressly or by reference contained; and the several Provisions and Enactments in the same Act expressly or by reference contained in reference to such Sales, Leases, Purchases, and Rentings, and the Manner of conveying or demising the same, and the Consideration to be paid for the same, shall, after the Execution of such Transfer or Conveyance, be extended to this Act, and made applicable to the Purposes thereof, as if they had been specially repeated in this Act, or as if the same had been originally enacted in reference to the Company hereby incorporated; and the said Company hereby incorporated shall have and be entitled to all such and the like Powers of raising Monies, either by the Creation of Shares, or by borrowing on Mortgage or Bond, for the Purpose of purchasing such Canals, Tramroads, and Railways, as in and by the said recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty were given to or granted or conferred on the same Company of Proprietors of the *Monmouthshire* Canal Navigation.

Consideration for Purchase of Canals and Works, &c.

XXXIII. And be it enacted, That the Consideration for the said Purchase and Transfer of the said Canals, Property, and Effects shall be such a Sum as shall have been or shall hereafter be agreed upon between the said Company of Proprietors and the said Company hereby incorporated, and in the same shall be paid in Money or

secured to be paid to the said Company of Proprietors by Mortgage, Debentures, or other Securities upon the Property to be purchased, or the Tolls and Rates to be taken by the said Company hereby incorporated, or partly in one Way or partly in the other, as shall have been already or shall be agreed upon; and that within Three Calendar Months from the passing of this Act the said Company of Proprietors shall by Writing under their Common Seal signify to the Secretary of the Company hereby incorporated the Amount of the Purchase Money which shall be required to be paid, and the Amount thereof which shall be required to be secured by Mortgages or Charges, and the Names and Addresses of the several Persons, Companies, and Corporations in respect of whom or whose Shares such Payments and Securities respectively shall be required, and the several Amounts thereof respectively;

Company to pay Canal Proprietors the Value of their Shares.

and it shall be lawful for the Company hereby incorporated to pay to such several Persons, Companies, and Corporations to whom or in respect of whom or whose Shares such Money shall be required to be paid the Value or Amount of such Shares, calculated at the Rate of Two hundred Pounds *per* Share, and to execute Mortgages and Charges to and for such several Persons, Companies, and Corporations to or for whom or in respect of the Value or Amount of whose Shares, calculated as aforesaid, any such Mortgages or Charges shall be so required as aforesaid;

If Persons refuse to receive the Money, or cannot be found, &c. the same to be paid into the Bank.

and if any Person, Company, or Corporation in respect of whom or whose Shares such Money shall be required to be paid as aforesaid shall refuse or decline to receive the same, or if such Person, Company, or Corporation cannot be found, or shall be in any way incapacitated to give an effectual Receipt and Discharge for the same to the said Company hereby incorporated, then and in every such Case it shall be lawful for the same Company to pay such Money into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to the Account there of such Accountant General *ex parte* the *Monmouthshire* Railway Company in the Matter of the *Monmouthshire* Railway Act, pursuant to the Method prescribed by any Act for the Time being in force for regulating Monies paid into the said Court, and in such Manner, and to be applied, disposed of, and invested in such Manner, as, allowing for the Difference of Circumstances and the Nature of the Fund, will best or nearest correspond with the Provisions in the said "Lands Clauses Consolidation Act, 1845," contained with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating or not making Title; and if any Person, Company, or Corporation to or for whom, or in respect of the Value or Amount of whose Shares, any such Mortgage or Charge shall be required to be made as aforesaid, shall refuse to accept the same, or cannot be found, then and in every such Case it shall be lawful for the Company hereby incorporated to make Delivery thereof to, and to deposit the same with, the Clerk of the said Company of Proprietors, for the Benefit of the Persons, Companies, and Corporations entitled thereto, and such Clerk is hereby required to receive and accept the same accordingly; and it shall be lawful for the Company hereby incorporated, upon the Production of the Receipts of the several Persons for Monies which shall have been so paid to them as aforesaid, and of One of the Cashiers of the Bank of *England* for the

Monies which shall have been so paid into the Bank of *England* as aforesaid, and the Acknowledgment in Writing of the Persons, Companies, and Corporations who shall accept such Mortgages or Charges as aforesaid of the Delivery thereof, and upon such Deposit of Mortgages or Securities with the said Clerk of the said Company of Proprietors as aforesaid, to require from the said Company of Proprietors a Transfer and Conveyance of the said Hereditaments, Property, and Effects so authorized to be purchased and sold, and the same Company shall immediately thereupon execute such Transfer and Conveyance accordingly; and it shall be lawful for the Company hereby incorporated to purchase from any Person, Company, or Corporation who shall hold any Share or Shares in the *Monmouthshire* Canal Navigation the Shares so held by them or him at or for such Price or Consideration as shall be agreed upon, and also to make to every Person, Company, and Corporation who shall hold any Shares in the Capital of the said Company of Proprietors of the *Monmouthshire* Canal Navigation, and who shall be willing to receive the same, an Allotment of Shares in the Capital of the Company hereby incorporated in lieu of such Shares; and every such last-mentioned Allotment of Shares may be made in the Proportion of Eight Shares in the Capital of the present Undertaking for each and every Share held by such Person, Company, or Corporation in the Capital of the said Company of Proprietors of the *Monmouthshire* Canal Navigation, or in such other Proportion as shall be agreed upon between the said Company hereby incorporated and such Person, Company, and Corporation; and it shall be lawful for the Company hereby incorporated to create all such Shares as may be necessary for the Purpose of making such Allotments accordingly; and if any such Shareholders in the said Company of Proprietors of the said *Monmouthshire* Canal Navigation shall not be willing to accept or receive such Allotment of Shares in the Capital of the Company hereby incorporated in lieu of such Shares in the Capital of the said Company of Proprietors of the *Monmouthshire* Canal Navigation in manner aforesaid, then and in every such Case the said Company hereby incorporated may secure, for the Benefit of such Shareholders as may be willing to accept the same, by Mortgage, the Value or Amount of each and every Share in the Capital of the said Company of Proprietors of the *Monmouthshire* Canal Navigation, such Value or Amount being estimated at the Sum of Two hundred Pounds for each and every such Share; and all Mortgages or Charges by virtue of this Act, whether to the said Company of Proprietors or to individual Shareholders, shall be and constitute a Charge upon the Property to be purchased, and the Tolls and Rates to be taken by the Company hereby incorporated, and shall carry Interest after such Rate not less than Four or exceeding Five Pounds *per Cent. per Annum*, to commence and be computed from such Time, and the Principal Sums to be payable at such Times, as shall have been already or shall be agreed upon; and such Mortgages shall have Preference or Priority over all other Mortgages and Charges to be made under this Act, and over all Shares in the Capital of the Company hereby incorporated, and the Dividends in respect thereof, unless a contrary Arrangement shall have been already or shall be agreed upon; and the several Persons, Companies, and Corporations in respect of whom such Charges shall be made as aforesaid shall have

Proprietors of Canal Shares may have Railway Shares allotted to them, if they think fit.

Power to Company to createShares for Allotment.

and

and be entitled to all such Rights and Remedies for Recovery and compelling Payment of the said Principal Sums and Interest as in and by the said "Companies Clauses Consolidation Act, 1845," incorporated herewith, is provided with respect to the borrowing of Money by the Company on Mortgage or Bond; and such Mortgages shall be stamped and executed in such Manner, and may be made and transferred in such Form, as by the said "Companies Clauses Consolidation Act, 1845," is provided respecting Money borrowed by the Company on Mortgage or Bond; and for the Purpose of raising the Sum or Sums which may become payable to any Shareholder in the Capital of the said Company of Proprietors who may not be willing to accept such Allotment as aforesaid, it shall be lawful for the Company hereby incorporated to raise, by the Creation and Issue of as many Shares as might have become allotted to Persons willing to accept such Allotment as aforesaid, the Amount which may be required for the Purpose of such Payment.

If Shares at a Premium, new Shares to be offered to the then Shareholders.

XXXIV. And with regard to any new Share which may be created for the Purpose of paying to any of the Proprietors of Shares in the Canal Company the said Sum of Two hundred Pounds in respect of each Share, be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares of the Capital or Joint Stock of the Railway Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Shares so to be created as last aforesaid shall be offered to the then Shareholders (including such Persons or Corporations as may have taken Shares in lieu of Shares in the Canal Company held by them) in proportion as nearly as can conveniently be done to the then existing Shares held by them respectively, and such new Shares shall be offered to the then Shareholders in the Proportion aforesaid; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post addressed to each Shareholder according to his Address in the Shareholders Address Book, or left at his usual or last Place of Abode.

Shares to vest in Parties accepting, otherwise to be disposed of by the Company.

XXXV. And be it enacted, That such new Shares as last aforesaid shall vest in and belong to the Shareholders who shall accept the same, and pay the Value thereof to the Railway Company at the Time and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares in such Manner as they shall deem most expedient for the Advantage of the Company.

If not at a Premium, to be issued as Company think fit.

XXXVI. And be it enacted, That if at the Time of the Creation of such new Shares as last aforesaid the existing Shares be not at a Premium, then such new Shares may be of such Amount, and may be issued in such Manner and on such Terms, as the Railway Company shall think fit.

New Shares to be considered the same as

XXXVII. And be it enacted, That such new Shares as last aforesaid shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment

Nonpayment of Calls, or otherwise, as if they had been Part of the original Capital. original Shares.

Power to borrow additional Money on Mortgage or Bond.

XXXVIII. And be it enacted, That in case the Railway Company shall, by the Creation of additional Shares as herein-before mentioned, increase their Capital beyond the Sum of Two hundred thousand Pounds herein-before authorized to be raised, it shall be lawful for them in every such Case to borrow on Mortgage or Bond, in addition to the said Sum of Sixty-six thousand six hundred Pounds which they are herein-before authorized to borrow, any further Sum not exceeding in Amount One Third Part of the said increased Capital: Provided nevertheless, that no Part of such additional Sum shall be borrowed as aforesaid until the Shares for raising such increased Capital shall have been created and issued, and One Half Part of the Capital to arise therefrom or to be represented thereby shall have been paid up either actually or by Allotment of such Shares in lieu of paid-up Shares in the Canal Company.

Commuted Shares to be considered as paid up in full, &c.

XXXIX. And be it enacted, That as well with respect to all Shares in the Capital of the Company hereby incorporated which have been or hereafter shall be acquired by Persons and Corporations who immediately before the passing of this Act held any Shares in the Capital of the said Company of Proprietors in lieu of any Shares in the same Company, the same shall for the Purposes of this Act be considered as so much Capital subscribed and paid up in full; and the several Persons and Corporations who have acquired or hereafter shall acquire such Shares shall be entitled to receive from the Company hereby incorporated Interest after the Rate of Four Pounds *per Centum per Annum* upon so much and such Part or Parts of the nominal Value of such Shares as shall for the Time being constitute the Excess over and above the Amount of Money for the Time being actually paid up by the other Shareholders in the way of Calls or otherwise upon or in respect of their Shares.

Payment to Canal Shareholders of Difference in Value of Shares.

XL. And be it enacted, That it shall be lawful for the Company hereby incorporated, from Time to Time or at any One Time, either by Mortgage or by a Creation and Issue of new Shares, to raise any Monies for the Purpose of paying off, to the Person and Corporations who have taken or shall hereafter take an Allotment of Shares in the Capital of the Company hereby incorporated in lieu of Shares previously held by them in the Capital of the said *Monmouthshire* Canal Navigation, the Sum or Sums (if any) which shall for the Time being constitute the Difference between the Amount actually paid up by the other Shareholders and the nominal Amount or Value of the Shares in the Capital of the Company hereby incorporated, and with and out of the Monies so to be raised, but nevertheless with the Consent of the Persons and Corporations entitled to the Sum or Sums constituting such Difference, to pay and satisfy the same accordingly; and it shall be lawful for the Company hereby incorporated, but with the Consent of the Person or Corporation entitled to the Sum or Sums constituting such Difference as aforesaid, to allot to the Person or Corporation so entitled, and who shall be willing to take the same, any Share or Shares which may be so created

as last aforesaid, in satisfaction or part Satisfaction of the Sum or Sums constituting such Difference, or any Part thereof, and Interest for the same.

Mortgage Creditors of Monmouthshire Canal Company to be paid by new Company;

XLI. And whereas the Company of Proprietors of the *Monmouthshire* Canal Navigation have, under the Powers of the said recited Acts, or some or One of them, borrowed various Sums of Money amounting in the whole to the Sum of Forty-six thousand eight hundred and thirty-seven Pounds, and by the said recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty the said Company of Proprietors were authorized to borrow on Mortgage or Bond any Sum or Sums of Money not exceeding in the whole (including the then present Mortgage Debts of the Company) the Sum of One hundred and twenty thousand Pounds, and the same Company were also authorized to raise the same Sum or any Part thereof by a Creation of new Shares; be it enacted, That after the Execution of such Transfer and Conveyance as aforesaid it shall be lawful for the Company hereby incorporated, in manner in the same Act authorized, to borrow on Mortgage or Bond, or raise by the Creation of Shares, the said Sum of One hundred and twenty thousand Pounds, or any Part thereof (and if the same or any Part thereof shall be raised by the Creation and Issue of Shares such Shares shall be of the Amount of Twenty-five Pounds each); and all and every Powers, Provisions, and Enactments in the same Act contained in reference to such borrowing and raising of Money shall be vested in and be applicable to the Company hereby incorporated as fully as the same were vested in and applicable to the said Company of Proprietors, and may be exercised in like Manner accordingly.

and the Debt to be considered as Part of the Sum authorized to be borrowed.

XLII. And be it enacted, That the said Sums of Forty-six thousand eight hundred and thirty-seven Pounds, and such other Part, if any, of the said Sum of One hundred and twenty thousand Pounds as shall have been borrowed or raised previously to the Execution of such Transfer and Conveyance, or as shall be borrowed by the Company hereby incorporated, on the Execution of such Transfer and Conveyance, shall be considered as a Part of the Sum authorized to be raised by Mortgage or Bond in case the Railway Company shall increase their Capital by the Creation of additional Shares beyond the Sum of Two hundred thousand Pounds, as in this Act mentioned, but not so as to prevent the raising of so much and such Part or Parts thereof by the Company hereby incorporated as may not previously to the Time of the Execution of such Transfer and Conveyance have been borrowed or raised by the said Company of Proprietors: Provided nevertheless, that for the Purpose of paying off the said Sum of One hundred and twenty thousand Pounds, or so much and such Part thereof as may have been previously borrowed, it shall be lawful for the Company hereby incorporated, at any Time after the Execution of such Transfer and Conveyance as aforesaid, to borrow on Mortgage or Bond, or to raise by the Creation and Issue of new Shares, the Amount which shall have been so for the Time being borrowed or raised, and so from Time to Time to reborrow and raise the same.

Money borrowed to become the

XLIII. Be it enacted, That after the Execution of such Transfer and Conveyance as aforesaid the said Sum of Forty-six thousand eight

eight hundred and thirty-seven Pounds, and also so much and such Part of the said Sum of One hundred and twenty thousand Pounds as shall at that Time have been borrowed, shall become the Debt of the Company hereby incorporated, and shall be considered as Part of the same which the Company hereby incorporated are herein empowered to borrow on Mortgage or Bond, and the several Persons and Corporations entitled thereto, their respective Successors, Executors, Administrators, and Assigns, shall have all such and the same Rights and Remedies for the Recovery thereof against the Company hereby incorporated as are herein-before given to Parties lending Money under the Authority of this Act: Provided always, that the respective Mortgagees and Bond Creditors of the said Company of Proprietors of the *Monmouthshire* Canal Navigation for the said Sum of Forty-six thousand eight hundred and thirty-seven Pounds shall have the Power of requiring the Principal Money due to them on their respective Securities, with all Interest thereon, to be paid off by the Company hereby incorporated, upon giving Notice of such their Desire at any Time within Six Calendar Months after the Notice to the Mortgagees and Bond Creditors herein-after contained, and the said Company shall and they are hereby required at the Expiration of Six Calendar Months from the Receipt of such Notice to pay such Principal Money and Interest accordingly; and it shall accordingly be lawful for the Company hereby incorporated, at any Time after the Execution of such Transfer and Conveyance, to borrow and raise, from Time to Time or at any One Time, the Monies that may be required for the Purposes of such Payment, and afterwards pay off and reborrow in such Manner, as far as Circumstances will admit, as they are authorized by the Act and any Act incorporated herein to borrow and reborrow any other Monies.

Debt of the Railway Company.

XLIV. Provided always, and be it enacted, That immediately after the Execution of such Transfer and Conveyance Notice thereof, with a Copy of the Provisions next herein-before contained relating to the Payment of the Mortgage Creditors of the said Canal Company, shall be given to the then existing Mortgagees or Bond Creditors of the said Company, by Letter transmitted by Post to the respective Places of Abode of such Mortgagees or Bond Creditors, as the same shall appear in the Books of the said Canal Company.

Notice of Execution of Transfer to be given to Mortgagees, &c.

XLV. And be it enacted, That it shall be lawful for the said Company to allot to each and every Person holding One or more Twenty-five Pounds of the same Debt or Sum, who shall be willing to take the same, One of the said new Shares in respect of each and every Twenty-five Pounds of Debt so held by him.

Allotment of new Shares.

XLVI. And be it enacted, That the Company hereby incorporated or the said *Monmouthshire* Canal Company shall not at any Time hereafter sell or dispose of to any Person or Persons whomsoever any Part of the said *Monmouthshire* Canal, or the Works thereto belonging, excepting as aforesaid; and that the said Company hereby incorporated shall and they are hereby expressly directed and required, from Time to Time and at all Times from and after the Completion of the Purchase of the said *Monmouthshire* Canal, to keep and maintain

The Railway Company to keep the Canal open and in good Repair, and not to sell the same.

tain the said Canals, Navigation, and the Works thereto belonging, and every Part thereof respectively, in good working Order and Condition, and preserve the Supplies of Water to the same, so that the same Canals and every Part thereof may be at all Times kept open and navigable for the Use of all Persons desirous to use and navigate the same, and that without any unnecessary Hindrance, Interruption, or Delay; and that in case the said Company hereby incorporated shall not at all Times after the Completion of the said Purchase repair, maintain, and support the same Canal, and the several Reservoirs, Tunnels, Towing Paths, Lands, Buildings, and Works belonging thereto, in such good working Order and Condition, and preserve the Supplies of Water as aforesaid, then and in every such Case it shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, or to the Officers of the Department charged for the Time being with the Supervision of Railways, and they are hereby required, upon the Complaint and at the Cost of any Person or Persons using or desirous of using the said Canal, to cause an Inquiry to be made as to the State and Condition of the said Canal, and the several Reservoirs, Tunnels, Towing Paths, Lands, Buildings, and Works belonging thereto; and if upon such Inquiry and Examination the same shall not be found to be in such good working Order and Condition as aforesaid, it shall be lawful for the said Lords Commissioners or other Officers to cause a Notice to be given to the said Company to put the same and every Part thereof in such good working Order and Condition as aforesaid (by leaving such Notice at the Office of the said Company, or with their Secretary or other recognized Officer); and in default of their putting the same into such Repair as aforesaid within Twenty-one Days from the Delivery or leaving of such Notice as aforesaid, it shall be lawful for the said Lords Commissioners or other Officers to cause the same to be put into such Order and Condition as aforesaid; and that the Costs, Charges, and Expences of making such Inquiry and Repairs as aforesaid shall be borne and paid by such Party and in such Manner as the said Lords Commissioners or other Officers shall order and direct, and if not so paid the Party entitled to receive the same shall and may recover the same by Action at Law in any of Her Majesty's Courts of Law at *Westminster* against the Party or Parties ordered to pay the same.

Penalty on giving undue Preference.

XLVII. And be it enacted, That neither the said Canal Company before the Completion of the said Purchase, nor the said Railway Company after such Completion, their respective Agents and Servants, shall give any undue Preference to any Persons, Vessels, or Goods whatsoever as against any other Persons, other similar Vessels, or other similar Goods whatsoever, as respects the Use of the said Canals or the Conveniences thereunto belonging; and in case either of the said Companies, its Agents or Servants, shall give any such undue Preference, such Company shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered and applied in manner directed by the "Companies Clauses Consolidation Act, 1845."

Treasury, &c. may proceed to correct

XLVIII. And be it enacted, That if at any Time after the Completion of the said Purchase it shall appear to the Lords Commissioners of

of Her Majesty's Treasury, or to the Officers of the Department charged with the Supervision of Railways, to be necessary for the Interests of the Public, it shall be lawful for the said Lords Commissioners or other Government Officers to require the said Railway Company to proceed to the Correction or Prevention of any Inconveniences or Evils by the said Lords Commissioners or other Officers specified, and which may appear to the said Lords Commissioners or such other Officers to have arisen or to be likely to arise directly or indirectly from the said Canal having been transferred to the said Railway Company, or injuriously to affect the Use thereof by the Public; and upon the Failure or Inability of the said Railway Company to comply with the Requisitions of the said Lords Commissioners or other Officers in the Particulars aforesaid within the Period of Six Months from the Date of such Requisition, it shall be lawful for the Lords Commissioners or other Officers to serve the said Railway Company with Notice to introduce into Parliament in the then existing Session, if Parliament be then sitting, and if not, in the next ensuing Session, a Bill or Bills for amending this Act in such Particulars as aforesaid, and thereupon the said Railway Company shall and they are hereby required to introduce such Bill or Bills accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Lords Commissioners or other Officers to introduce or prosecute, as the Case may be, such Bill or Bills at the Expence of the said Railway Company.

any Inconveniences or Evils arising from the Transfer of the Canal to the Railway Company.

XLIX. And be it enacted, That if at any Time after the Completion of the said Purchase Complaint shall be made to the Lords Commissioners of Her Majesty's Treasury, or to the Officers of the Department charged for the Time being with the Supervision of Railways, by any Person whomsoever, that the Bye Laws now or at any Time hereafter made or to be made by the Proprietors for the Time being of the said *Monmouthshire* Canal are impolitic or unjust, or operate to the Prejudice or Disadvantage of Persons using or desirous of using or trading upon the said Canal, or that the Amount of the Tolls, Rates, or Duties receivable or claimable by the said Proprietors for the Time being of the said Canal by virtue of this Act operate prejudicially to the Persons using or intending to use the said Canal, it shall be lawful for the said Lords Commissioners or other Officers and they are hereby required, from Time to Time, when and as such Complaints shall be made, after giving Fourteen Days Notice to the Company, to examine and inquire, or, at their Discretion, to appoint some competent Person to examine and inquire, into such Complaints and the Grounds thereof, and after such Examination had to make such Regulations from Time to Time as the said Lords Commissioners or other Officers shall think fit, with respect to the said Bye Laws, and to the Amount of all or any of the Tolls, Rates, and Duties which shall be received or claimable by the said Company by virtue of this Act, and by such Regulations to impose such Conditions and Restrictions with regard to the said Bye Laws, and the Amount of all or any Part of such Tolls, Rates, and Duties, as the said Lords Commissioners or other Officers shall think fit; and every such Regulation on being published in the *London Gazette* shall be binding upon the said Proprietors for the Time being of the said

For regulating Bye Laws and Tolls upon the Canal.

Canal, and such Tolls, Rates, and Duties only as may be fixed thereby shall be recoverable by them until such Regulation be revoked or altered by the said Lords Commissioners or other Officers.

Nothing to exempt Canal Company from general Acts.

L. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals, or relating to Canals amalgamated with Railways, or of any Act relating to the said *Monmouthshire* Railways, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls, Rates, and Duties authorized to be taken by this Act.

Tolls.

LI. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Branch Railways, Extension, and Works hereby authorized, not exceeding the following; (that is to say,)

On Articles of Merchandize.

1. In respect of the Tonnage of Articles conveyed upon the Railway or any Part thereof, as follows:

For all Sorts of Manure, and all undressed Materials for the Repair of Highways, and for all Coals, Culm, Coke, Iron Stone and Iron Ore, *per* Ton *per* Mile not exceeding Three Farthings until the Expiration of Four Years after the passing of this Act, and afterwards *per* Ton *per* Mile not exceeding One Halfpenny; and if conveyed in Carriages belonging to the Company, whether before or after the Expiration of the said Four Years, an additional Sum *per* Ton *per* Mile not exceeding One Eighth of a Penny:

For all Charcoal, Limestone, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, and Sand, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Eighth of a Penny:

For all Iron, Lead, Tin, and Tin Plates (except Nails, Utensils, or other Articles of Merchandize), *per* Ton *per* Mile not exceeding One Penny Halfpenny until the Expiration of Four Years after the passing of this Act, and afterwards *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, whether before or after the Expiration of the said Four Years, an additional Sum *per* Ton *per* Mile not exceeding One Eighth of a Penny:

For all Goods, Wares, or Merchandize, Matters or Things, (for which no other Payment is herein imposed,) *per* Ton *per* Mile not exceeding Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence:

And a Sum not exceeding Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if such

Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Two-pence:

On Passengers and Animals.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding Three Halfpence:

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, *per* Mile not exceeding Three-pence; and if conveyed in or upon any Carriages belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Regulations as to the Tolls.

LII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls, and also to the Tolls payable for locomotive Power; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand 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, the Weight shall be determined according to the usual Avoirdupois Weight.

Tolls for small Parcels and Articles of great Weight.

LIII. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls hereby prescribed, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels, (that is to say,) Parcels not exceeding Five hundred Pounds Weight each, the Company may demand any Sum which they think fit; provided always, that Articles sent in large aggregate Quantities, although made up of 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:

For

For the Carriage of any single Piece of Iron, Timber, Stone, Machinery, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Iron, Timber, Stone, Machinery, or other single Article, the Weight of which, including the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they may think fit.

Tolls for propelling Power.

LIV. And be it enacted, That the Company may demand for the Use of Steam Engines or other moving Power, when provided by them, for propelling Carriages, whether on their own Railways or on any other Railway, any Tolls not exceeding the following; (that is to say,)

For each Passenger or Animal, Two-pence *per* Mile:

For Coals, Culm, Coke, Iron Stone and Iron Ore, and for Iron, Lead, Tin, and Tin Plates (except Nails, Utensils, or other Articles of Merchandize), Three Eighths of a Penny *per* Ton *per* Mile:

And for other Goods, One Halfpenny *per* Ton *per* Mile:

Provided nevertheless, that the Company may demand and receive any Tolls they may think fit for such moving Power in respect of such small Parcels for which they are herein-before authorized to take Tolls for the Use of the Railway, without Limitation as to the Amount.

Limiting Charges for Passengers.

LV. And be it enacted, That the whole Charge for Tolls, Carriage, and locomotive Power to be made for every Passenger shall not, if conveyed in a First-class Carriage, exceed Three-pence *per* Mile, if conveyed in a Second-class Carriage, exceed Two-pence *per* Mile, if conveyed in a Third-class Carriage, exceed One Penny *per* Mile, upon any of the Railways whereupon the Company are hereby required or authorized to carry Passengers.

Passengers Luggage.

LVI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and fifty 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.

Maximum Rates for Goods and Cattle.

LVII. That the maximum Charge to be made by the Company for the Use of the Railway, including Carriages and locomotive Power, shall not exceed the following Sums; (that is to say,)

In respect of all Sorts of Manure, and the several other Articles, Matters, and Things herein-before classed therewith, any Sum for the first Four Years from the passing hereof not exceeding One Penny Farthing *per* Ton *per* Mile; and after the Expiration of the said Term of Four Years, any Sum not exceeding One Penny *per* Ton *per* Mile; and in respect of all Charcoal and other Articles herein-before classed therewith, any Sum not exceeding One Penny and Five Eighths of a Penny *per* Ton *per* Mile:

In

In respect of all Iron, and other Articles herein-before classed therewith, for the first Four Years from the passing hereof, any Sum not exceeding Two-pence *per* Ton *per* Mile; and after the Expiration of such Term of Four Years, any Sum not exceeding Three Halfpence *per* Ton *per* Mile:

In respect of all Goods, and other Articles, Matters, and Things herein-before classed therewith, any Sum not exceeding Three-pence *per* Ton *per* Mile:

In respect of every Carriage, of whatever Description, and not weighing more than One Ton, any Sum not exceeding *per* Mile the Sum of Sixpence:

In respect of every Horse, Mule, and other Animal herein-before classed therewith, any Sum not exceeding Seven-pence *per* Mile; and for every Calf and other Animal herein-before classed therewith, any Sum not exceeding the Sum of Three-pence *per* Mile.

As to Rates on Canals and Tramways.

LVIII. And be it enacted, That from and after the Execution of such Transfer and Conveyance the Canals, Tramways, Railroads, and Works hereby authorized to be purchased shall be rated to all Parochial Rates and Assessments in like Manner as such Property respectively shall be liable by Law to be rated, any thing herein or in the recited Acts to the contrary notwithstanding.

Rate of travelling within the Limits of Newport.

LIX. And be it enacted, That from and after the Execution of such Transfer or Conveyance it shall not be lawful for any locomotive or other Engine, or any Carriage, to run or travel along the said Railway at any Place within the Limits of the municipal Boundary of the Borough of *Newport* at any greater Speed than after the Rate of Four Miles *per* Hour.

As to Repair of Roads in Newport.

LX. And be it enacted, That from and after the Execution of such Transfer or Conveyance, wherever the said Company's Tramroads or Railway shall at any Place or Places within the municipal Boundary of the Borough of *Newport* cross or interfere with any public Road, Way, Path, or Passage, the said Company shall, at their own Costs and Charges, keep and maintain the same at the Point of crossing, and within Ten Yards on either Side thereof, in good Repair, and well and sufficiently paved, flagged, and cleansed; and in case any such Portion of any such Road, Way, Path, or Passage shall at any Time or Times be out of repair, or shall not be sufficiently paved, flagged, and cleansed, it shall be lawful for Two Justices, on the Application of any Two Householders within the Parish or District where the said Portion of the said Road, Way, Path, or Passage shall be situate, after Notice to the Company of not less than Ten Days as to paving, flagging, and repairing, and of not less than Two Days as to cleansing, to order the Company to pave, flag, repair, and cleanse the same, or to do any of such Works to the same, within a Period to be limited for that Purpose by the said Justices; and if the Company fail to comply with such Order they shall forfeit Five Pounds for every Day they fail so to do; and it shall be lawful for the Justices by whom any such Penalty is imposed to order the whole or any Part thereof to be applied, in such Manner

and by such Person as they shall think fit, in executing the Work or Works in respect whereof such Penalty is incurred.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

LXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or any succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same may be applicable thereto.

Railway to be subject to Provisions of any future general Act.

LXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

LXIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Short Title of Act.

LXIV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Monmouthshire* Railway Act, 1846."

SCHE-

SCHEDULE (X.)

WE, the Company of Proprietors of the Monmouthshire Canal Navigation, do hereby acknowledge, That before the Execution hereof we have received from the Monmouthshire Railway Company the Sum of and have had Securities executed to us for the further Sum of in full, for the Purchase of the Monmouthshire Canal Navigation, and all our Canals, Tramroads, Railways, Lands, Rents, Tolls, Property, and Effects, of whatsoever Nature and Kind, whether freehold, personal, or mixed, to which we are entitled at Law or in Equity, or by virtue of any Contract or Agreement, and also the Newport and Pontypool Railway; and in consideration of the Premises, and pursuant to every Power or Authority, and in virtue of our Interest, we do hereby sell, transfer, and convey to the said Railway Company the said Monmouthshire Canal Navigation, and all the said Canals, Tramroads, Railways, Lands, Rents, Tolls, Property, and Effects, for their absolute Use and Benefit, but subject nevertheless to the Payment of the Ground and other Rents affecting such Parts of the Property hereby conveyed as are of Leasehold Tenure, and subject also to the various Liabilities, Incumbrances, and Engagements to which we, the said Company of Proprietors of the said Monmouthshire Canal Navigation, are now subject or liable. In witness whereof we have hereunto affixed our Common Seal, the
Day of 184 .

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