ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clxxviii.

An Act to authorize the *Newport, Abergavenny, and Hereford* Railway Company to make Deviations on their Extension to the *Taff Vale* Railway, and to make certain short Branches.

[4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Newport, Abergavenny, and* 9 & 10 Vict.
Hereford Railway Act, 1846," and by that Act the *Newport, Aber-* c. ccciii.
gavenny, and Hereford Railway Company were incorporated, and were authorized to make a Railway from the *Newport and Pontypool* Railway through or near *Abergavenny* to *Hereford:* And whereas the Powers of that Act were amended and enlarged by Two Acts passed in the subsequent Session, whereof one is called "The *New-* 10 & 11 Vict.
port, Abergavenny, and Hereford Railway (Deviations) Act, 1847," c. lxxxvi.
and the other "The *Newport, Abergavenny, and Hereford* Railway 10 & 11 Vict.
(Extension to *Taff Vale* Railway) Act, 1847:" And whereas the c. clxxvii.
Company are proceeding in the Execution of the Powers conferred upon them by the said Acts, and have made great Progress in the Construction of their Railway: And whereas it is expedient that

they should be empowered to alter certain Parts of the Line and Levels of the Extension to the *Taff Vale* Railway authorized by the last-mentioned Act, and to make certain short Branch Railways from the said Extension: And whereas Plans and Sections of the proposed Works showing the Lines and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the Railways will pass, were deposited in the Month of *November* last with the Clerks of the Peace for the Counties of *Monmouth* and *Glamorgan:* And whereas the before-mentioned Objects cannot be accomplished 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:

8 & 9 Vict. cc. 18. & 20. incorporated with this Act.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The Company."

II. Where the Words "the Company" are used in this Act the same shall mean "The *Newport, Abergavenny, and Hereford* Railway Company."

Power to alter Levels of Extension.

III. The Company may make and maintain the said Extension to the *Taff Vale* Railway authorized by "The *Newport, Abergavenny, and Hereford* Railway (Extension to *Taff Vale* Railway) Act, 1847," in the Line and upon the Levels defined upon the said Plans and Sections, commencing at the *Newport, Abergavenny, and Hereford* Railway in the Parish of *Llanfihangel Pontymoyle*, passing through *Panteague*, *Trevethin*, *Mynyddmaen*, *Llanhilleth*, *Mynyddysllwyn*, *Clawrplwyff*, *Penmain*, and *Bedwas*, in the said County of *Monmouth*, *Hengoed*, *Gellygaer*, *Cefn*, and *Llanvabon*, in the said County of *Glamorgan*, and terminating in the said Hamlet of *Cefn*.

Power to make new Lines of Railway according to deposited Plans.

IV. The Company may make and maintain the new or substituted Lines of Railway and the Branch Railways herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith,) in the Lines and upon the Lands delineated on the said Plans deposited in *November* last, and described in the said Books of Reference, and according to the Levels defined on the Sections to those Plans, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing Deviations.

V. One of the said new or substituted Lines of Railway shall commence in the Hamlet of *Penmain* in the Parish of *Mynyddysllwyn* in

in the said County of *Monmouth*, in a Field numbered 145 upon the deposited Plans referred to in the last-mentioned Act, pass through *Penmain*, *Mynyddysllwyn*, and *Clawrplwyff* in the said County of *Monmouth*, and terminate in the said Hamlet of *Clawrplwyff* in the said Parish of *Mynyddysllwyn* in a Field numbered 106 on those Plans, and the other of the said new or substituted Lines of Railway shall commence in the Hamlet of *Hengoed* in the Parish of *Gellygaer* in the said County of *Glamorgan* at a Field numbered 18 on the said Plans, and terminate in the Hamlet of *Cefn* in the said County in a Field numbered 12 on those Plans.

Describing the Branches.

VI. The Branch Railways hereby authorized are the following:

Two short Spurs to connect the Extension Railway with the *Newport and Pontypool* Railway in the Parish of *Panteague* in the said County of *Monmouth*:

A Branch from the Main Line of the said Extension in the Parish of *Llanhilleth* in the said County of *Monmouth* to the Tramroad leading from *Newport* to *Ebbw Vale*:

Another Branch from the said Main Line in the Village of *Pontlanfraith* to Mrs. *Jones*' Tramway:

Lastly, a Branch from the said Main Line in the Parish of *Mynyddysllwyn* to the *Rhymney* Tramway Company's Tramway: Provided always, that the Company shall not construct the last-mentioned Branch Railway without the previous Consent in Writing of the *Rhymney* Tramway Company under their Common Seal, and of Sir *Charles Morgan Robinson Morgan* Baronet.

Railways to form Part of Company's Undertaking.

VII. The Railways hereby authorized shall form Part of the Undertaking of the *Newport, Abergavenny, and Hereford* Railway Company.

Company to abandon the Line instead of which new Line made.

VIII. The Company shall abandon the Formation of so much of the Railway as was authorized by "The *Newport, Abergavenny, and Hereford* Railway (Extension to *Taff Vale* Railway) Act, 1847," to be constructed between the said Field numbered 145 and the said Field numbered 106, and between the said Field numbered 18 and the said Field numbered 12, and all the Powers, Authorities, and Privileges by the said Act granted to the Company for the Construction, Maintenance, or Use of the said Portions of Railway so required to be abandoned shall from and after the passing of this Act cease and determine.

Compensation to be made where Contracts

IX. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were

have been entered into or Notices given.

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

Power to cross certain Roads on the Level.

X. The Company may construct the said Railways across and upon the Level of the public Roads numbered on the said Plans deposited in *November* last as follows:—

Number 115 in the Parish of *Mynyddysllwyn*:
Numbers 11 and 133 in the Hamlet of *Clawrplwyff*:
Number 143 in the Hamlet of *Penmain*.

Company to erect Station or Lodge where Roads crossed on the Level.

XI. 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 before-mentioned Roads shall be crossed on a Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may

XII. The Board of Trade may, if it shall appear to them necessary for the Public Safety, at any Time, either before or after the

the Railways hereby authorized to be made shall have been completed and opened for public Traffic, require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the before-mentioned Roads or either of them either under or over the Railways by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

require Bridges instead of level Crossings.

XIII. It shall be lawful for the Company, for the Purpose of carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid in *November* last over, under, and across the said Railways, to alter the Inclinations of the said Roads to such an Extent as they may think fit, not exceeding the Inclinations following respectively; that is to say,

Regulating the Inclinations of certain Roads.

The Road numbered 37 in the Parish of *Panteague* not steeper than One in Fifteen and a Half:

The Road numbered 120 in the said Parish of *Panteague* not steeper than One in Eleven:

The Road numbered 115 in the Hamlet of *Penmain* not steeper than One in Fifteen:

The Road numbered 162 *a* in the said Hamlet of *Penmain* not steeper than One in Eighteen:

The Road numbered 27 *c* in the Hamlet of *Clawrplwyf* not steeper than One in Eighteen:

The Road numbered 82 in the said Hamlet of *Clawrplwyf* not steeper than One in Eight:

The Road numbered 44 in the said Hamlet of *Clawrplwyf* not steeper than One in Eighteen.

XIV. The Company may purchase any Quantity of Land for extraordinary Purposes not exceeding Ten Acres, in addition to the Land which they are at present or which by any other Act to be passed in the present Session they may be authorized to take for such Purposes.

Land for extraordinary Purposes.

XV. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Period for Purchase of Lands.

XVI. The Works hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Works or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for the Completion of the Works.

If Railways not opened for Traffic within limited Period, Dividends on ordinary Shares to be suspended.

XVII. In case the Railways and Works by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until such Railways and Works shall have been completed and opened for public Traffic.

Communications with the Tramways, &c. of Monmouthshire Railway and Canal Company to be made under the Direction of their Engineer.

XVIII. The Communications between the Railways hereby authorized to be made and the Tramways or Railways, or any of them, belonging to the *Monmouthshire* Railway and Canal Company, and all such Openings in the Ledges or Flanches of the said last-mentioned Tramways or Railways as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Monmouthshire* Railway and Canal Company; and in the event of any Difference arising between such Engineer and the Engineer of the Company as to the Mode of effecting such Communications, then the same shall be determined by a Referee to be appointed by the Board of Trade on the Application of either Party.

Not to interfere with Works, &c. of such Company, without Consent.

XIX. 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 *Monmouthshire* Railway and Canal Company, or to alter, vary, or interfere with the said Tramways or Railways, or any of them, belonging to the *Monmouthshire* Railway and Canal Company, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction of the Railways hereby authorized with the said Tramways or Railways or any of them, without the Consent in Writing of the said *Monmouthshire* Railway and Canal Company in every Instance for that Purpose first had and obtained.

Saving Rights of the said Company.

XX. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Monmouthshire* Railway and Canal Company otherwise than herein expressly provided.

Mode of settling Damages for Deviation of Bleandare Railway.

XXI. Provided always, That all Damages which shall accrue to the *Monmouthshire* Railway and Canal Company by reason of any Deviations or Crossings of their *Bleandare* Railway in the Execution of the Works by this Act authorized shall be settled and determined by the Engineers for the Time being of the respective Companies, and in the event of any Difference arising between them, by a Referee to be appointed by the Board of Trade, on the Application of either

either Party, and the same shall be paid by the Company to the said *Monmouthshire* Railway and Canal Company.

Company not to deviate on Lands leased to Messieurs Dimmack and Co. without Consent.

XXII. Provided always, That it shall not be lawful for the Company, in constructing the Railway and Works hereby authorized upon the Lands now under Lease to Messieurs *Dimmack* and Company, to deviate from the centre Line shown upon the said Plans deposited in the Year One thousand eight hundred and fifty-two with relation to this Act, unless with the previous Consent in Writing of the said Messieurs *Dimmack* and Company.

Tolls upon new Lines of Railways.

XXIII. It shall be lawful for the Company to demand and receive, for and in respect of the Railways hereby authorized, the same Tolls and Charges as they are authorized to demand and receive by "The *Newport, Abergavenny, and Hereford* Railway Act, 1846;" and the Railways hereby authorized to be made shall, for the Purposes of the said Tolls, be Part of the said *Newport, Abergavenny, and Hereford* Railway.

Maximum Tolls.

XXIV. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the said Railways shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said Act.

Company may apply their Funds towards making of the Railways.

XXV. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise.

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

XXVI. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, 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 Company to construct any other Railway or execute any other Work or Undertaking.

Company, &c. to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXVII. 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 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*

The Newport, Abergavenny, and Hereford Railway (Taff Vale Extension) Act, 1853.

the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways; and another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXVIII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of Act.

XXIX. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company.

Short Title.

XXX. In citing this Act it shall be sufficient to describe it as "The *Newport, Abergavenny, and Hereford* Railway (*Taff Vale* Extension) Act, 1853."

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