CHAPTER ccxv.

An Act for authorising the construction of Railways in the County of Glamorgan, to be called the Pontypridd, Caerphilly, and Newport Railway; and for other purposes. [8th August 1878.] A.D. 1878.

WHEREAS the construction of the railways herein-after described would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing to carry the undertaking into execution, and it is expedient that they be incorporated into a company, and that the requisite powers be conferred upon them:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") be authorised to run over, work, and use the railway and portions of railway herein-after in that behalf mentioned:

And whereas it is expedient that the Company and the other companies in that behalf mentioned in this Act be empowered to enter into and carry into effect working and other agreements as herein-after provided, and that the agreements contained in the schedules to this Act be confirmed:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be aken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the counties of Glamorgan and Monmouth, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with

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the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Pontypridd, Caerphilly, and Newport Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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

Company incorporated.

4. Sir George Elliot, Baronet, James Ware, Crawshay Bailey, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Pontypridd, Caerphilly, and Newport Railway Company," and by that name shall be a body corporate with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all necessary and convenient stations, approaches, bridges, roads, communications, and other works connected therewith, and may

enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are:

1. A railway (No. 1), five miles eight chains and eighty links in length, wholly in the county of Glamorgan, commencing in the parish of Llantwit Vardre by a junction with the Taff Vale Railway at a point about four hundred and sixty yards, measured along that railway in the direction of Cardiff, from the booking-office at the Pontypridd Station thereon, and terminating in the parish of Eglwysilan by a junction with the Rhymney (Walnut-tree Branch) Railway at or near the junction points connecting that branch railway with the Rhymney (Caerphilly Branch) Railway:
2. A railway (No. 2), one mile six furlongs three chains and fifty links in length, wholly in the county of Glamorgan, commencing in the parish of Eglwysilan at a point about forty yards, measured in a south-westerly direction along the Rhymney (Walnut-tree Branch) Railway, from the bridge carrying the road leading from Craig Cottage to Penrhos House over that branch railway, and terminating in the parish of Bedwas by a junction with the Brecon and Merthyr Tydfil Junction (Caerphilly Branch) Railway, about one hundred and ten yards, measured along that branch railway in the direction of Machen Station, from the culvert carrying the said branch railway over the stream or brook running between the parishes of Eglwysilan and Bedwas.

Capital.

6. The capital of the Company shall be one hundred and five thousand pounds in ten thousand five hundred shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

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

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Power to borrow on mortgage.

8 & 9 Vict. c. 16.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty-five thousand pounds, but no part thereof shall be borrowed until the whole capital of one hundred and five thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of a receiver.

11. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

26 & 27 Vict. c. 118.

12. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

15. The number of directors shall be three.

Qualification of directors.

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

Quorum.

17. The quorum of a meeting of directors shall be two.

First directors.

Election of directors.

18. Sir George Elliot, Baronet, James Ware, and Crawshay Bailey, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being (if qualified) eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

8 & 9 Vict. c. 16.

Lands for extraordinary purposes.

8 & 9 Vict. c. 20.

19. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

For protection of the Aberdare and Plymouth Company, Limited.

21. For the protection of the Aberdare and Plymouth Company, Limited, (herein-after referred to as the "Aberdare Company,") the following provisions shall have effect:

(A.) The Company shall not take, use, enter upon, or interfere with the access heretofore existing from the Aberdare Company's Taff Vale Ironworks to the Taff Vale Railway:

(B.) Railway No. 1 and the sidings connected therewith shall be constructed upon and through the property in which the Aberdare Company are interested as owners, lessees, or occupiers, as far to the north-east as the limits of deviation shown on the deposited plans and the River Taff will permit:

(C.) The Aberdare Company may effect a junction of their railway with Railway No. 1 at a point and in manner to be agreed on between them and the Company, or failing agreement, as may be determined on by an arbitrator to be appointed by the Board of Trade on the application of either party:

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(D.) The Company, in constructing their railway and sidings, shall not interfere with the tipping-ground of the Aberdare Company more than shall be necessary or can be reasonably required for the purposes of their undertaking; and if any question shall arise between the Company and the Aberdare Company upon the construction of this sub-section, or the mode of carrying the same into effect, the same shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either party.

Inclination of roads.

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

Railway.	No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
No. 1 -	26	Eglwysilan -	Public - -	1 in 8 on one side of the bridge, and level on the other.
No. 1 -	104	Eglwysilan -	Public - -	1 in 10 on one side of the bridge, and level on the other.
No. 1 -	116	Eglwysilan -	Public - -	1 in 14.

Power to take easements, &c. by agreement.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

23. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Deposit fund not to be repaid except so far as railway opened.

24. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of five thousand four hundred and sixty pounds seventeen shillings and twopence Consolidated three per cent. annuities, being five per centum upon the amount of the estimate in respect of the railways shown upon the deposited plans and sections, and thereon distinguished as Railway No. 1, Railway No. 2, and Railway No. 4, has been transferred into

the name of Her Majesty's Paymaster General on account of the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act; and whereas Railway No. 4 has since been abandoned, and the proportion of the said annuities representing five per centum upon the amount of the estimate in respect of that railway is four hundred and sixty-five pounds fifteen shillings and fivepence, and the proportion representing five per centum upon the amount of the estimate in respect of Railway No. 1 and Railway No. 2 by this Act authorised is four thousand nine hundred and ninety-five pounds one shilling and ninepence, and this last-mentioned sum is referred to in this Act as the deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors or survivor, are in this Act referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade, specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

25. If the Company do not, previously to the expiration of the period limited for the completion of the railway, complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway, or any

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portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

As to release of portion of deposit.

26. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty, chapter twenty, or of the survivors or survivor of them, or of the executors or administrators of the survivor, by petition in a summary way at any time after the passing of this Act, the Chancery Division of the High Court of Justice may and shall order that the said sum of four hundred and sixty-five pounds fifteen shillings and fivepence (part of the said sum of five thousand four hundred and sixty pounds seventeen shillings and twopence) Consolidated three per cent. annuities, and the dividends thereof, shall be transferred and paid to the persons or person so applying, or to any other persons or person whom they or he may appoint in that behalf.

Period for completion of works.

27. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and com-

pleting the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed. A.D. 1878.

28. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; (that is to say,) Tolls.

In respect of passengers and animals conveyed on the railway:

Class 1. For every person conveyed in a first-class carriage, per mile twopence:

Class 2. For every person conveyed in a second-class carriage, per mile one penny halfpenny:

Class 3. For every person conveyed in a third-class carriage, per mile one penny:

Class 4. For every horse, mule, or ass, or other beast of draught or burden conveyed in or upon any carriage, per mile twopence:

Class 5. For every ox, cow, bull, or neat cattle conveyed in or upon any carriage, per mile one penny halfpenny:

Class 6. For every calf, pig, sheep, or lamb, or other small animal, conveyed in or upon any carriage, per mile one halfpenny:

In respect of goods conveyed on the railway:

Class 7. For all coals, ironstone, and iron ore, per ton per mile one halfpenny:

Class 8. For all pig iron, bar iron, and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise, coke, culm, slack, cannel, cinders, lime, limestone, sand, chalk, dung, compost, and all sorts of common manure, and all undressed materials for the repair of highways, clay, undressed stones for building, pitching, and paving, bricks, tiles, common slates, fire clay, charcoal, bats, copper, tin, lead, and other ores, per ton per mile one penny:

Class 9. For all sugar, grain, corn, flour, potatoes, guano, and artificial manures, hides (dried and salted), dye-woods, timber, staves, and deals, metals (except iron), tinned plates, nails, anvils, vices, hoop iron, sheet iron, and chains, per ton per mile twopence:

Class 10. For lace, furs, silk, drapery, millinery, china, glass, cotton, wool, manufactured goods, drugs, and all other wares, merchandise, fish, articles, matters, or things, per ton per mile threepence:

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In respect of carriages conveyed on the railway:

Class 11. For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to the Company, if having more than two wheels, per mile fourpence, and if having only two wheels, per mile threepence, and for every additional quarter of a ton up to four tons which any such carriage weighs, one penny per mile in addition if such carriage have more than two wheels, and three farthings per mile in addition if the same have only two wheels.

Tolls for carriages, &c.

29. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of goods, articles, matters, or things, persons, or animals comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods, articles, matters, or things, persons, or animals are respectively comprised; (to wit,)

For Class 1, for each person, per mile one penny:
For Class 2, for each person, per mile three farthings:
For Class 3, for each person, per mile one halfpenny:
For Class 4, for each animal, per mile one penny:
For Class 5, for each animal, per mile one penny:
For Class 6, for each animal, per mile one halfpenny:
For Class 7, per ton per mile one eighth of a penny:
For Class 8, per ton per mile one eighth of a penny:
For Class 9, per ton per mile three farthings:
For Class 10, per ton per mile one penny:
For Class 11, for each carriage, per mile twopence.

Tolls for propelling power.

30. The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed three eighths of a penny per ton per mile for coals, iron ore, and iron, or one penny per mile for each passenger or animal or for each ton of goods, other than coals, iron ore, and iron, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

31. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

Short distances.

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles.

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For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods 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: Fractional parts of a mile.

For a fraction of a ton the Company may demand tolls 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: Fractional parts of a ton.

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

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

32. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,) Tolls for small parcels and single articles of great weight.

For the carriage of small parcels on the railway:

For any parcel not exceeding seven pounds in weight, threepence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence:

For any parcel exceeding fifty-six pounds and not exceeding one hundred weight, three shillings; and for every additional one hundred weight beyond one hundred weight up to five hundred weight, ninepence:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages:

For the carriage of any single thing the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, the Company may demand and take any sum not exceeding sixpence a ton a mile:

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For the carriage of any single thing the weight of which, with the carriage, exceeds eight tons, the Company may demand and take any sum they think fit.

Maximum rates for passengers.

33. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways, including the tolls for the use of the railways and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny per mile.

Maximum rates for animals and goods.

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

Class 4. For each animal fourpence per mile:

Class 5. For each animal twopence per mile:

Class 6. For every calf or pig one penny per mile, and for every other small animal three farthings per mile:

Class 7. One penny per ton per mile:

Class 8. One penny halfpenny per ton per mile:

Class 9. Threepence per ton per mile:

Class 10. Fourpence per ton per mile:

Class 11. For every carriage, if having more than two wheels and not weighing more than one ton and a half, sixpence, and one penny halfpenny for every additional quarter of a ton, and if only having two wheels, fourpence per mile, and one penny for every additional quarter of a ton.

Tolls for separate waggons.

35. Provided also, that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge, the aggregate of the tolls to be paid for such waggon or truck capable of containing six

oxen or twenty-five sheep, and not containing more than that number, shall not exceed ninepence per mile. A.D. 1878.

Passengers luggage.

36. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

37. No station shall be considered a terminal station in regard to any goods conveyed on the railway, unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

38. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Company may take increased charges by agreement.

39. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Power to use other railways.

40. The Company, and any company or persons for the time being working or using the railways of the Company, or any part thereof, either by agreement or otherwise, may run over, work, and use with their engines, carriages, and waggons, and officers and servants, whether in charge of engines and trains, or for any other purpose whatsoever, and for the purposes of their traffic of every description, the railway and portion of railway herein-after mentioned; (that is to say,)

(A.) The Caerphilly Branch of the Brecon and Merthyr Tydfil Junction Railway Company;

(B.) The Brecon and Merthyr Tydfil Junction Railway between the said Caerphilly Branch and the junction at Bassaleg with the Monmouthshire Railway;

(C.) So much and all such parts of the railways of the Rhymney Railway Company as are situate between the junction of those railways with Railway No. 1 by this Act authorised, and the town and port of Cardiff and the docks there, but

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not including that part of the Walnut-tree Branch Railway which lies to the south of the said junction,

together with all stations, sidings, platforms, points, signals, junctions, roads, water, engines, engine-sheds, standing room for engines, booking and other offices, warehouses, machinery, works, and conveniences connected with such railway and portions of railway; and as regards traffic conveyed by them, the Company and any such company or persons as aforesaid may demand tolls and charges upon and in respect of the said railway and portions of railway and stations, not exceeding the tolls and charges authorised to be demanded in respect thereof by the companies to whom such railway and portions of railway and stations respectively belong.

Conditions of use of railway, &c.

41. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Company, or such other company or persons as aforesaid, for and in respect of the use of the railway and portions of railway, stations, works, and conveniences, shall be such as are from time to time agreed upon between them and the companies or either of them owning the said railway or portions of railway, stations, works, and conveniences, or, failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade, on the application of any or either of the companies or persons interested; and the cost of the arbitration shall be in his discretion, and the decisions of the arbitrator shall be final and binding on all parties.

Power to Rhymney Railway Company to use railways of the Company.

42. The Rhymney Railway Company, and any company or persons for the time being working or using the railways of that company, may run over, work, and use with their engines, carriages, and waggons, and officers and servants, whether in charge of engines and trains, or for any other purpose whatsoever, and for the purposes of their traffic of every description, the railways by this Act authorised, or either of them, or any portion thereof respectively, together with all stations, sidings, platforms, points, signals, junctions, roads, water, engines, engine-sheds, standing room for engines, booking and other offices, warehouses, machinery, works, and conveniences connected with such railways respectively; and as regards traffic conveyed under this enactment over the railways of the Company, the company or persons by whom such traffic is conveyed may demand tolls and charges upon and in respect of the said railways respectively and stations, not exceeding the tolls and charges authorised by this Act.

Conditions of use of railway by Rhymney Railway Company,&c.

43. The terms, conditions, and regulations to be observed and fulfilled, and the tolls, charges, rent, or other consideration to be paid by the Rhymney Railway Company, or such other company or persons as aforesaid, for and in respect of the use of the railways of the Company, and the stations, works, and conveniences connected therewith, shall be such as are from time to time agreed upon between them respectively and the Company, or failing such agreement, as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of the Rhymney Railway Company, or such other company or persons as aforesaid, or of the Company; and the cost of the arbitration shall be in the discretion of the arbitrator, and his decision shall be final and binding on all parties.

Running powers not to extend to Taff Vale or Brecon and Merthyr Railways.

44. Nothing in this Act contained shall empower the Rhymney Railway Company, or any company for the time being working or using the railways of that company, to run over, work, or use any portion of the Taff Vale Railway, or of the Brecon and Merthyr Tydfil Junction Railway, or any station, siding, work, or convenience thereon respectively.

Traffic facilities to be afforded by Company and Rhymney Railway Company.

45. The Company, and any company or person by whom the railways hereby authorised shall be worked, shall, in respect of all traffic passing or seeking to pass to or from the Rhymney Railway over the railways hereby authorised, or any part thereof, afford all necessary facilities for the due transmission of such traffic as if it were their own proper traffic, such facilities to include through booking and through rates and fares; and if the Company shall hereafter grant to any other company or person any facilities or privileges by way of rates or otherwise in respect of any traffic, they shall on demand grant the same facilities and privileges in respect of traffic of a like nature, on the like terms to the Rhymney Railway Company, and to any company or person for the time being working or using the railways of that company; and in like manner the Rhymney Railway Company, and any company or person by whom the railways of the Rhymney Railway Company shall be worked, shall grant like facilities and privileges in respect of all traffic passing or seeking to pass to or from the railways by this Act authorised over the railways or any part of the railways of the Rhymney Railway Company; and if any difference or dispute arise as to this provision the same shall be settled by arbitration in manner provided by the Railway Companies Arbitration Act, 1859, and the arbitrator shall have powers by his award to award any damages he may think equitable to either party.

22 & 23 Vict. c. 59.

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Power to enter into traffic arrangements.

26 & 27 Vict. c. 92.
36 & 37 Vict. c. 76.

46. The Company on the one hand, and the Brecon and Merthyr Tydfil Junction Railway Company and the Taff Vale Railway Company, or either of them, on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into and carry into effect agreements with respect to the following purposes, or any of them; (that is to say,)

The working, use, management, and maintenance of the railway, or any part or parts thereof:

The supply and maintenance during the continuance of such agreement of engines, stock, and plant necessary for the purposes thereof, and the employment of officers and servants for the conveyance and conduct of traffic on the railway:

The payments to be made, and the conditions to be performed, with respect to such working, use, management, and maintenance:

The regulation, interchange, collection, transmission, and delivery of traffic coming from or destined for the railways of the contracting companies, or any or either of them:

The fixing, collection, payment, appropriation, apportionment, and distribution of the tolls, rates, income, and profits arising from such traffic.

Tolls on traffic conveyed partly on the railway and partly on other railways.

47. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway, or any part thereof, by any other company or companies, the railway of the Company and of such other company or companies shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of such other company or companies for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railway of such other company or companies.

Scheduled agreements confirmed.

48. The heads of agreement between the Taff Vale Railway Company of the one part and Sir George Elliot, Baronet, on behalf of the promoters of the undertaking by this Act authorised, of the other part, set forth in Schedule (A.) to this Act, and the agreement

between the Brecon and Merthyr Tydfil Junction Railway Company of the one part and the said Sir George Elliot, on behalf of the said promoters, of the other part, set forth in Schedule (B.) to this Act, shall be and the same are hereby respectively confirmed and made binding on the Company and the other companies parties thereto respectively, and may and shall be carried into effect accordingly.

Saving rights of trustees of Marquess of Bute.

49. Nothing in this Act shall be deemed or construed to vary, repeal, lessen, or in any way affect a certain indenture of lease dated the first day of December one thousand eight hundred and forty-nine, and made between Richard Twining, Ralph Price, Henry Kemble, and William Samuel Jones of the first part, Lord James Stuart, Onesiphorus Tyndall Bruce, and James Munro Macnabb of the second part, the said Onesiphorus Tyndall Bruce and James Munro Macnabb of the third part, and the Taff Vale Railway Company of the fourth part, or the several covenants and provisions therein contained, but the rights and obligations of all parties thereto shall remain the same as if this Act had not been passed.

Interest not to be paid on calls paid up.

50. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845. 8 & 9 Vict. c. 16.

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

51. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

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

52. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

53. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Heads of Agreement made the fifteenth day of May one thousand eight hundred and seventy-eight between the Taff Vale Railway Company (herein-after called "the Taff Company") of the one part, and Sir George Elliot, Baronet, M.P., on behalf of the promoters of the above-named railway (herein-after called "the Pontypridd Company") of the other part.

Whereas the Pontypridd Company are promoting a Bill for an Act to authorise the making of a railway which with other railways will form a direct line of communication from Pontypridd to Caerphilly and Newport, and by such Bill seek powers to join the Taff Vale Railway at Pontypridd, and to obtain running powers from the point of junction over the Rhondda Branches of the Taff Vale Railway, and the Taff Company have petitioned Parliament praying to be heard by counsel against the preamble and clauses of the said Bill, and, for the purpose of avoiding a contest in Parliament, it is agreed between the parties hereto as follows:

1. The Taff Company shall withdraw their petition and abstain from further opposing the said Bill:
2. The Pontypridd Company shall strike out from their Bill the sub-sections D. and E. of clause forty, and shall construct their junction with the Taff Vale Railway at Pontypridd, and the sidings connected therewith, and (within the authorised limits of deviation), according to a plan to be approved by and to the satisfaction of Thomas Elliot Harrison, C.E., or him failing, of some engineer to be nominated by the Board of Trade:
3. The Pontypridd Company, and (but not without the consent of the Taff Company) any other company or persons for the time being lawfully working or using the railways of the Pontypridd Company, shall be entitled to the use of the station of the Taff Company at Pontypridd, and the works and conveniences connected therewith (including the portion of railway leading from the proposed junction to such station), for all purposes for which the station shall for the time being be used by the Taff Company, on such terms as, in default of agreement, shall be settled by arbitration:
4. The Taff Company will punctually and regularly forward and afford all reasonable facilities for the goods and mineral traffic destined for the

new line or coming from it, at rates per mile not greater than shall for the time being be charged by the Taff Company for like traffic to or from Cardiff Docks, and will deliver all such traffic into and take the same from the Pontypridd Company's sidings adjacent to the said junction without any terminal or other charge in respect thereof: Provided always, that where any such traffic shall be carried on the Taff Company's railway for a less distance than four miles, the Taff Company shall be entitled to charge in respect of such traffic as if it were carried on their railway for a distance of four miles:

5. Any question which may arise between the parties as to the construction or carrying into effect of this agreement to be referred to Thomas Elliot Harrison, or him failing, an engineer to be appointed by the Board of Trade on the application of either party.

For the Pontypridd Company GEORGE ELLIOT.
For the Taff Vale Company JOHN PERRY.

SCHEDULE (B.)

HEADS OF AGREEMENT between the BRECON AND MERTHYR TYDFIL JUNCTION RAILWAY COMPANY (herein-after called "the Brecon Company") of the one part, and SIR GEORGE ELLIOT, Baronet, M.P., on behalf of the promoters of the above-mentioned railway, of the other part.

WHEREAS Sir George Elliot and other parties are promoting a Bill for an Act to authorise the making of a railway (Number 1) from a point on the Taff Vale Railway near Pontypridd to a junction with the Caerphilly Branch of the Rhymney Railway Company; and a short line (Number 2) from that junction to a junction with the Brecon Company's line at Caerphilly, and by means thereof, and the use of the Brecon Company's lines and otherwise, to form a new route between Pontypridd and the Alexandra (Newport) Dock and Newport: And whereas it is considered that the above railway will be of advantage to the Brecon Company: It is therefore agreed between the parties as follows; (that is to say,)

1. The Brecon Company will support the application for the Act to authorise the proposed new railway, and give their assistance in Parliament and otherwise as the promoters of the new line shall reasonably require:
2. The intended Act shall confer on the Brecon Company, and any company or persons to whom their undertaking shall be assigned or leased, running powers over the new line or lines, and the new Company, and any company or persons to whom their undertaking shall be assigned or leased, are to have corresponding running powers over the Brecon lines between Caerphilly and Bassaleg, and, so far as the Brecon Company can grant the same, from Bassaleg to Newport:

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3. Running powers over the Brecon lines between Bassaleg and Caerphilly shall also be conferred on the Alexandra (Newport) Dock Company, to be exerciseable if and when that Company obtain the means of access from their dock to the Brecon line at Bassaleg, on terms to be, failing agreement, settled by arbitration, and upon condition that the Dock Company confer on the Brecon Company such powers (if any) as they may be able to grant to use the lines between Bassaleg and the Dock Company's lines:

4. The Brecon Company will accept and take for the use of their railway for coal and coke in owners' waggons, passing the whole distance between Caerphilly and Bassaleg, including haulage, a rate not exceeding fourpence and a farthing per ton, to include the return of the empty waggons and all other charges:

5. Railway Number 4 shall be struck out of the Bill:

6. Until the Brecon Company's line near Machen be improved so as to give a gradient not worse than 1 in 176, the new Company shall, from the date when clause 4 is availed of, pay to the Brecon Company such sum for the extra cost of haulage of the traffic up the Machen incline as Mr. T. E. Harrison shall determine, taking all the circumstances into consideration:

7. The Brecon Company shall when required by the new Company give all reasonable facilities for the improvement or deviation of their railway so as to avoid the extra cost referred to in clause 6. The cost of such improvement to be borne as nearly as may be in the mode previously arranged with reference to the construction of Railway Number 4, viz.: if the amount expended exceeds £6,000, the excess, not exceeding £2,000, to be repaid to the new Company by the Brecon Company with interest at five per cent. by a reduction of the rate of fourpence farthing per ton mentioned in clause 4 to threepence halfpenny per ton until the £2,000 and interest be paid. The reduction to be made only in each year in which the coal and coke traffic from the new line has amounted to 100,000 tons in the whole:

8. The above terms to be, if desired by either party, embodied in or confirmed by the Act authorising the new railway, and a detailed agreement, with all usual and proper clauses, to be prepared and executed when desired by either party:

9. All questions under the above heads, or as to and under the detailed agreement, to be determined by arbitration under the Railway Companies Arbitration Act, 1859.

Dated 16th May one thousand eight hundred and seventy-eight.

G. ELLIOT.

For the Brecon and Merthyr Tydfil Junction Railway Company,
H. G. ASHHURST, Chairman.

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