CHAPTER cxcix.

An Act for conferring upon the Pontypridd Caerphilly and Newport Railway Company further powers in connexion with their own undertaking and the undertakings of the Rhymney and Brecon and Merthyr Tydfil Junction Railway Companies, and for other purposes. A.D. 1882.

[10th August 1882.]

WHEREAS by the Pontypridd Caerphilly and Newport Railway Act, 1878, (in this Act called "the Act of 1878"), the Pontypridd Caerphilly and Newport Railway Company (in this Act called "the Company") were incorporated and authorised to make a Railway (No. 1) from the Taff Vale Railway, near Pontypridd, to the Rhymney Railway, near the junction between the Walnut-tree Branch and the Caerphilly Branch of that railway, and also a Railway (No. 2) from the said Walnut-tree Branch Railway to the Caerphilly Branch of the Brecon and Merthyr Tydfil Junction Railway: 41 & 42 Vict. c. ccxv.

And whereas by the Pontypridd Caerphilly and Newport Railway Act, 1880, the Company were authorised to divert a portion of their Railway (No. 1) near Pontypridd: 43 & 44 Vict. c. clx.

And whereas the Company have proceeded with and made considerable progress in the construction of their Railway (No. 1) authorised by the Act of 1878, but they have not commenced to construct the Railway (No. 2) authorised by that Act, and an agreement has been made by or on behalf of the Company and the Rhymney Railway Company respectively for the use by the Company and all companies and persons using their railway of so much of the Caerphilly Branch of the Rhymney Railway as is necessary to connect the Company's Railway (No. 1) with the Brecon and Merthyr Tydfil Junction Railway, and it is expedient that such agreement be confirmed:

And whereas it is expedient that the time for completing the Company's Railway (No. 1) be extended, and, in consequence of

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the before mentioned agreement, it is also expedient that the Company's Railway (No. 2) be abandoned:

And whereas it is expedient that the Company should have power to acquire, for the purposes of their undertaking, and for providing increased accommodation, certain lands and property in this Act described in connexion with such undertaking:

And whereas it is expedient that the Company and the Brecon and Merthyr Tydfil Junction Railway Company (in this Act called "the Brecon Company"), or either of them, should be empowered to construct the railway and acquire the additional lands in this Act described or referred to; and that the two companies be authorised to make contracts and arrangements as herein-after provided:

And whereas it is expedient that the Company be authorised to raise additional capital for the purposes of this Act:

And whereas plans and sections showing the line and levels of the railway by this Act authorised, and plans showing the lands required, or which may be taken for the purposes or under the powers of this Act, and also books of reference to those plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands 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 objects aforesaid cannot be attained without the authority of Parliament:

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

Short title.

1. This Act may be cited for all purposes as the Pontypridd Caerphilly and Newport Railway Act, 1882.

Incorporation of general Acts.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act (that is to say):—

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

The Railways Clauses Consolidation Act, 1845;

Part I. relating to the construction of a railway; Part II. relating to extension of time; and Part III. relating to working agreements of the Railways Clauses Act, 1863;

26 & 27 Vict. c. 92.

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters, namely:— 8 & 9 Vict. c. 16.

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The provision to be made for affording access to the special Act by all parties interested; and

Part I. relating to cancellation and surrender of shares; Part II. relating to additional capital; and Part III. relating to debenture stock, of the Companies Clauses Act, 1863. 26 & 27 Vict. c. 118.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "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.

Confirmation of agreement between Company and Rhymney Company.

4. The heads of agreement, dated fifteenth August one thousand eight hundred and eighty-one, made between Cornelius Lundie, on behalf of the Rhymney Railway Company, of the one part, and Joseph Richard Cobb, on behalf of the Company, of the other part, set forth in the schedule to this Act, are hereby confirmed and made binding on the Company and the Rhymney Railway Company respectively, and full effect may and shall be given thereto as an incorporated part of this Act.

Agreements with Rhymney Railway Company.

5. The Company and the Rhymney Railway Company may from time to time make and carry into effect such further agreements for the working, management, and maintenance of the portion of the Caerphilly Branch of the Rhymney Railway, specified in the aforesaid heads of agreement, and of such other portions of the railways of the two companies respectively, as they may deem expedient.

Power to acquire lands

6. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire,

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for general purposes.

may from time to time enter upon, take, use, and appropriate to the purposes of enlarging and extending their station and siding accommodation, and for junctions and other purposes of their undertaking, all or any of the following lands and property in the county of Glamorgan, delineated on the deposited plans, and described in the deposited books of reference (that is to say):

Land in the parish of Llantwit Vardre, belonging or reputed to belong to the Reverend Hely Hutchinson Keating Rickards, and leased to the Aberdare and Plymouth Iron Company, which land is situate to the northward of and adjoining the Company's railway near Pontypridd;

A cottage and garden in the said parish of Llantwit Vardre, belonging or reputed to belong to the Reverend Hely Hutchinson Keating Rickards, and leased to Henry Aston and the Aberdare and Plymouth Iron Company, such cottage and garden adjoining the southern boundary of the Company's railway near Pontypridd;

Land in the parish of Eglwysilan, abutting upon the north side of the Caerphilly Branch of the Rhymney Railway, and near to the point of junction of that branch railway with the Rhymney Railway Company's main line.

Extinguishment of rights of way.

7. All rights of way over any of the aforesaid lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

Power to raise additional capital.

8. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital not exceeding in the whole forty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively, but the Company shall not issue any share of less nominal value than ten pounds, nor shall any 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 shall have been paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

9. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock

in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

10. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

11. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

12. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act (and any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock), the Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

13. The Company may in respect of the additional capital of forty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital 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 shares for the whole of such capital have been issued and accepted, and that one half of such capital 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as

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the said additional capital is raised by shares, that such persons or corporations, or 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 certificate shall be sufficient evidence thereof.

Priority of principal moneys secured by existing mortgages.

14. The principal moneys secured by all mortgages granted by the Company, in pursuance of the powers of the Act of 1878, and subsisting at the passing of this Act, shall, during the continuance of such mortgages, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Power to create and issue debenture stock. 32 & 33 Vict. c. 48.

15. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, but notwithstanding anything therein contained, the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act, shall, subject to the provisions of any subsequent Act, rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

16. All moneys raised under this Act whether by shares, stock, debenture stock, or borrowing, shall be applied to the purposes of this Act and to the general purposes of the Company and to no other purpose.

Increase of number of directors of Company.

17. At the first ordinary meeting of the Company to be held after the passing of this Act, the number of the directors of the Company shall be by this Act increased to five, and the shareholders present in person or by proxy at the same meeting shall elect two duly qualified persons to be additional directors accordingly; but the Company may at any time thereafter from time to time reduce and again increase the number of directors elected by the shareholders, so that the number be never less than three nor more than five.

Extension of time for completion of Railway (No. 1).

18. The period limited by the Act of 1878 for the construction and completion of Railway (No. 1) authorised by that Act is hereby extended to the eighth day of August one thousand eight hundred and eighty-four; and section 25 of the said Act of 1878 shall be read and construed as if the extended period by this Act granted for the construction and completion of that railway had been the period limited by the Act of 1878; but if the said railway shall not be completed within such extended period, then, on the expiration of that extended period, the powers by this Act granted for making

and completing the same, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Abandonment of authorised Railway (No. 2).

19. The Company shall abandon the construction of Railway (No. 2) authorised by the Act of 1878.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

20. The abandonment by the Company under the authority of this Act of any portion of railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise, as regards such land, of any of the powers contained in the Railways Clauses Consolidation Act, 1845, or the Act of 1878.

Contracts for land may be enforced.

21. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of railway or works authorised to be abandoned by this Act, the Company shall not be released from liability to purchase or to complete the purchase of any such lands, but the purchase shall be completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Release of deposit applicable to Railway (No. 2) abandoned.

22. Subject to the provisions of section 25 of the Act of 1878, with respect to compensation to landowners and other persons injured, and to the protection of creditors, the Chancery Division of the High Court of Justice shall, on production of a copy of this Act, and 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 Act of the ninth year of the reign of Her present Majesty, chapter twenty, in respect of the Pontypridd Caerphilly and Newport Railway, or the survivors or survivor of those persons, order the payment and transfer to them or him of the sum of one thousand three hundred and thirty-three pounds six shillings and tenpence Consolidated Three per Cent. Annuities, being the proportion of the sum deposited with respect to the Act of 1878, which is applicable to the

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Railway (No. 2) described in that Act, and by this Act directed to be abandoned.

Power to make railway.

23. Subject to the provisions of this Act, the Company and the Brecon Company, or either of them, may, for the purposes of the undertaking of the Brecon Company, make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, sidings, junctions, approaches, works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference as may be required for that purpose.

The railway herein-before referred to and authorised by this Act will be situated in the county of Monmouth, and is—

A railway six furlongs one chain and fifty-one links in length (being a deviation of the existing Brecon and Merthyr Tydfil Junction Railway), wholly in the parish of Machen, commencing by a junction with the Brecon and Merthyr Tydfil Junction (Caerphilly Branch) Railway, at or near the north-eastern end of the tunnel or bridge carrying the turnpike road leading from Machen to Caerphilly over the said branch railway, and terminating by a junction with the Brecon and Merthyr Tydfil Junction Railway at a point about 42 yards measured along that railway in the direction of Newport, from the signal-box adjacent to and to the westward of the repairing shops of the Brecon Company at Machen.

Inclination of roads.

24. In altering for the purposes of this Act the roads next herein-after mentioned, the Company and the Brecon Company, or either of them, may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
8	Machen - -	Public - -	1 in $6\frac{1}{2}$.
38	Machen - -	Public - .	1 in $6\frac{1}{2}$ above the bridge and 1 in $5\frac{1}{2}$ below the bridge.

Tolls on railway.

25. The tolls and charges which may be demanded and taken in respect of the railway by this Act authorised, shall not exceed the tolls and charges authorised by the Brecon Company's Acts, and the provisions and regulations of those Acts with respect to tolls and charges shall extend and apply to the said railway, whether the same is constructed by the Company, or by the Brecon Company, or by

the two Companies jointly: Provided always, that the said railway shall be deemed to be the deviation of the Brecon Company's Railway referred to in the heads of agreement set forth in the Schedule (B) to the Act of 1878, and that the rate for coal and coke passing between Caerphilly and Bassaleg to or from the Company's railway, whether carried over the deviation or the existing railway, shall not exceed the rate specified in those heads of agreement.

Classification table of goods to be open to inspection and copies kept for sale.

26. The book, tables, or other document in use for the time being containing the general classification of goods carried by goods or merchandize train on the railway shall, during all reasonable hours, be open to the inspection of any person without the payment of any fee at every station at which goods or merchandize are received for transmission, and such book, tables, or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway, render an account to the person so applying, in which the charge made or claimed by the Company for the carriage of such goods shall be divided, and the charge for conveyance over the railway shall be distinguished from the terminal charges, if any, and if any terminal charge is included in such account, the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section, they shall for each offence, and in the case of a continuing offence for every day during which the offence continues, be liable to a penalty not exceeding five pounds, which penalty may be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act, 1873.

36 & 37 Vict. c. 48.

Power to purchase additional lands in connexion with Brecon and Merthyr Railway.

27. Subject to the provisions of this Act the Company and the Brecon Company, or either of them, may, for the purposes of the undertaking of the Brecon Company, and for enlarging and extending station and siding accommodation, and for junctions and other purposes of that undertaking, and also for widening and improving the Brecon and Merthyr Tydfil Junction Railway between Caerphilly and Bassaleg, purchase and acquire by agreement or otherwise all or any of the following lands and property, delineated on the deposited plans and described in the deposited books of reference (that is to say):

Lands in the parishes of Bedwas and Rudry, in the county of Glamorgan, belonging or reputed to belong to John and Richard

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Homfray, adjoining the south side of the said Caerphilly Branch Railway between a point distant thirteen chains or thereabouts, measured in an easterly direction along such branch railway, from the bridge carrying the road over that branch railway at Gwaunybarra Farm, and a point distant fifteen chains or thereabouts, measured westward of such bridge;

Land in the parish of Rudry, in the county of Glamorgan, and in the parish of Machen, in the county of Monmouth, belonging or reputed to belong to the Right Honourable Lord Tredegar and Crawshay Bailey, Esquire, situate on the south side of and adjoining the Caerphilly Branch of the Brecon and Merthyr Tydfil Junction Railway, between the bridge or tunnel carrying the turnpike road from Machen to Caerphilly over the said branch railway and the junction therewith of the sidings to the Waterloo Tinplate Works;

Land and wood in the parish of Bassaleg, in the county of Monmouth, belonging or reputed to belong to the Right Honourable Lord Tredegar and Crawshay Bailey, Esquire, adjoining the south side of the Brecon and Merthyr Tydfil Junction Railway and situate between the Brecon and Merthyr Tydfil Junction Railway Company's station at Bassaleg and a point distant forty-four chains or thereabouts, measured along such railway westward of such station.

Provided that the land and wood in the parish of Bassaleg, lastly before described, shall not be acquired by the Company, unless with the consent in writing of the Brecon Company; and provided also, that from and after the purchase of any of the before mentioned lands by the Company and the Brecon Company, or either of them, all rights of way over the lands so purchased shall be and the same are hereby extinguished.

Period for compulsory purchase of lands.

28. The powers of the Company and the Brecon Company respectively 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.

Power to take easements, &c. by agreement.

29. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisons of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company, or to the Brecon 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 land 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.

30. 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 four hundred and forty-one pounds eighteen shillings, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Chancery Division of the High Court of Justice in England, in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the 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 or is in this Act referred to as the depositors) unless the Company and the Brecon Company, or either of them, shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company and the Brecon Company, or either of them, 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 Chancery Division 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.

31. If the Company and the Brecon Company, or either of them, 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

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with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred 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 Chancery Division, 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 whole of the deposit fund has been repaid or re-transferred to the depositors, or has become otherwise applicable as hereinbefore mentioned, any interest or dividends accruing thereon, or on any portion thereof, shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Period for completion of works.

32. If the railway is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company and to the Brecon Company, for making and completing the railway or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Power to use railway when altered.

33. If and when the portion of the Brecon Company's railway between Caerphilly and Bassaleg is widened, and additional rails are laid down thereon, the Company and all such companies and persons as are authorised by the Act of 1878 to use the said portion of railway may work over and use such additional rails, and also the deviation railway by this Act authorised, and the works and conveniences connected therewith, respectively, as fully and freely

and on the like terms and conditions as if such additional rails had been laid down and such deviation railway had been constructed previous to the passing of the Act of 1878.

Company and Brecon Company may apply corporate funds.

34. The Company and the Brecon Company may from time to time apply for or towards all or any of the purposes of this Act, in which they are jointly interested, any sums of money which they have respectively raised, or are authorised to raise, by any of their Acts, and which are not required for the purposes to which they are by those Acts made specially applicable.

Agreements between Company and Brecon Company.

35. The Company and the Brecon Company may enter into and carry into effect contracts, agreements, or arrangements as to the following matters, or any of them (that is to say):

The construction and maintenance of the railway by this Act authorised and of the works and conveniences connected therewith;

The terms and conditions, pecuniary and otherwise, on which the two Companies, or either of them, shall have the right to use any additional line or lines of rails laid down between Caerphilly and Bassaleg, and the mode in which the cost and maintenance thereof shall be defrayed.

Saving agreement with Brecon Company.

36. Nothing in this Act shall be deemed or construed to alter, vary, or in any way affect the terms and conditions contained in certain heads of agreement dated sixteenth day of May one thousand eight hundred and seventy-eight, made by or on behalf of the Company and the Brecon Company, and set forth in the Schedule (B) to the Act of 1878.

Interest not to be paid on calls paid up.

37. 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.

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

38. 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 herein-after 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.

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Provision as to general railway Acts.

39. 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.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

Heads of Agreement between the Rhymney Railway Company (hereinafter called "the Rhymney Company") of the one part, and the Pontypridd Caerphilly and Newport Railway Company (hereinafter called "the Pontypridd Company") of the other part.

1. The Rhymney Company to grant to the Pontypridd Company, and to all other companies and persons for the time being working or using the Railway No. 1 of the Pontypridd Company, power to run over and use in the usual way such portion of the Rhymney Company's Caerphilly Branch as they have not now Parliamentary power to use for traffic of all description passing to and from its junction with the Caerphilly Branch of the Brecon and Merthyr Railway Company's Rumney section situated to the eastward of Caerphilly, to and from the portion which they now have power to use as aforesaid, but the powers hereby given are not to be used for traffic local to the Rhymney Company, nor for any traffic arising at or destined for the Rhymney town and works or any point in the Rhymney Valley or its tributary valleys westward of the Rhymney River and the line of the Cardiff and Caerphilly Railway.

2. The Rhymney Company to put the portion of their Caerphilly Branch referred to in the preceding article in good working order as a single line in time to take the Pontypridd Company's traffic, and to afford all necessary facilities for the due transmission over the said Caerphilly Branch of the traffic of the Pontypridd Company as if it were the proper traffic of the Rhymney Company themselves.

3. The Pontypridd Company, and other companies and persons as aforesaid so using the said Caerphilly Branch of the Rhymney Company to pay to the latter Company for the use of the road for the whole distance a toll of one half-penny ($\frac{1}{2}d.$) per ton upon coal and coke passing through, from, or to the Railway No. 1 of the Pontypridd Company, and to or from the said Caerphilly Branch of the Brecon and Merthyr Company any toll or short distance clause contained in the Rhymney Company's Acts notwithstanding and without any additional charge whatever except as mentioned in the next article and upon other through traffic so carried the Pontypridd Company and other companies and persons as above shall pay such amounts by way of toll as may be agreed upon from time to time, or, failing agreement, such amounts as may be determined by arbitration as herein-after provided.

4. The Rhymney Company not to object to junctions being made at the expense of the Pontypridd Company with the portion of the line between the west commencement of the Rhymney Company's Caerphilly Branch and their Caerphilly West Junction, and any sidings adjacent thereto which may be constructed by the Pontypridd Company, so that such sidings be constructed as to extent form, and arrangement to the approval of the Rhymney Company, or,

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failing agreement, to the satisfaction of the arbitrator; such junctions to be maintained, watched, and worked by the Rhymney Company, but not used by them except in connexion with the traffic of the Pontypridd Company at the expense of the Pontypridd Company, and no other charge to be made by the Rhymney Company in respect of them, and in the event of the Board of Trade, in consequence of such junctions requiring a second line of rails to be laid down between the said points, the Pontypridd Company shall pay to the Rhymney Company the cost thereof.

5. If at any time after the opening for traffic of the Pontypridd Company's Railway No. 1 without the Board of Trade having required such second line of rails to be laid as aforesaid, it shall be the opinion of the arbitrator that the said traffic is unduly impeded from causes not attributable to the existence of the before-mentioned sidings, and that a single line of rails is insufficient for its due accommodation, then the Rhymney Company shall lay down a second line of rails between the said west commencement of their Caerphilly Branch and their said Caerphilly West Junction, so that, coupled with the works which properly pertain to the Pontypridd Company to execute, there may be a complete double line through from the Pontypridd Company's Railway No. 1 to the Caerphilly Station.

6. The Rhymney Company to provide without payment the necessary land within the formation of their Walnut Tree Branch and up to the northern and eastern boundaries of the land in regard to which the Pontypridd Company have given to the Rhymney Company a notice to treat, dated 7th April 1881, for the junction of the Pontypridd Company's Railway No. 1 with their railway, such junction being made to the satisfaction of the Rhymney Company's engineer, but the Pontypridd Company to acquire an easement only over such first mentioned land.

7. The Pontypridd Company to abstain from making their authorised Railway No. 2, and as early as may be to apply to Parliament for an Act authorising the abandonment of the said railway, and to solicit the confirmation of this agreement in any Act of Parliament that may be obtained for the purpose last mentioned, and the Rhymney Company will not oppose such application.

8. Any matters of difference arising out of these heads to be settled by any person to be named by the Board of Trade for the purpose.

Dated this 5th day of August 1881.

For the Rhymney Company,
COR. LUNDIE, Cardiff.

For the Pontypridd Company,
J. R. COBB, Brecon.

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