CHAPTER clxxx.

An Act to authorise the Pontypridd Caerphilly and Newport Railway Company to construct a Railway in the County of Monmouth and for other purposes. [2nd August 1883.] A.D. 1883.

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 from the Taff Vale Railway near Pontypridd to the Caerphilly branch of the Brecon and Merthyr Tydfil Junction Railway and empowered to run over and use that branch railway and also so much of the main line of the Brecon and Merthyr Tydfil Junction Railway as lies between the said branch and the Monmouthshire Railway at Bassaleg:

And whereas by the Pontypridd Caerphilly and Newport Railway Act 1880 (in this Act called "the Act of 1880") the Company were authorised to divert and improve a portion of their railway near Pontypridd:

And whereas by the Pontypridd Caerphilly and Newport Railway Act 1882 (in this Act called "the Act of 1882") the Company were authorised by arrangement with the Rhymney Railway Company to use a portion of the Caerphilly Branch Railway of that company instead of constructing Railway No. 2 authorised by the Act of 1878 and the Company and the Brecon and Merthyr Tydfil Junction Railway Company were also authorised to divert and improve a portion of the railway of the last-mentioned company near Caerphilly and to acquire additional land for widening and improving other portions of the railway of the same company between Caerphilly and Bassaleg:

And whereas the making of the railway herein-after described would be of public and local advantage and it is expedient that the Company be empowered to construct the same:

And whereas by the Act of 1878 the Company were authorised to raise a share capital of one hundred and five thousand pounds

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and to borrow thirty-five thousand pounds on mortgage and by the Act of 1882 to raise forty-five thousand pounds of additional share capital and to borrow fifteen thousand pounds on mortgage and it is expedient that the Company should have authority to raise further capital for the purposes of this Act:

And whereas it is expedient that the traffic agreements in this Act provided for be authorised:

And whereas for a considerable distance the railway by this Act authorised runs near to and parallel with that part of the Monmouthshire (Western Valleys) Railway belonging to the Right Honourable Godfrey Charles Lord Tredegar and known as the Tredegar Park Mile and it is expedient that the power of the Company to construct so much of the railway as runs near to and parallel with the Tredegar Park Mile as aforesaid be suspended as by this Act provided and such other provision be made as is hereinafter contained with a view to the construction and maintenance by Lord Tredegar or other the owner or owners of the Tredegar Park Mile (herein-after called the owners) of the corresponding portion of the railway or to the widening and laying down of additional lines of rails on the Tredegar Park Mile with running powers in either case over the same as herein-after expressed;

And whereas plans and sections describing the line and levels of the railway 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 taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and are herein-after referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the Pontypridd Caerphilly and Newport Railway Act 1883.

Incorporation of general Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;
The forfeiture of shares for non-payment 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 giving of notices and
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 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.

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 "the railway" means the railway authorised by this Act and 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.

Power to make railway.

4. Subject to the provisions of this Act the Company may 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 approaches sidings 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 is as follows:

A railway two miles two chains and seventy links in length commencing in the parish of Bassaleg in the county of Monmouth by a junction with the Brecon and Merthyr Tydfil Junction

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Railway at a point distant fifty yards or thereabouts measured in an easterly direction from the eastern end of the bridge near the Bassaleg Station which carries that railway over the River Ebbw and terminating in the parish of Saint Woollos in the same county at or near the junction between Railways No. 2 and No. 3 described in and authorised by the Alexandra (Newport) Dock Act 1865.

Power to raise additional capital.

5. 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 new preference shares or wholly or partially by either of those modes but the Company shall not issue any share of less nominal 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.

New shares to be subject to the same incidents as other shares.

6. Except as by this Act otherwise provided the capital in new shares created by the Company under this Act and the new shares 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 were shares in that capital and any new shares so created shall form part of such capital accordingly.

Dividends on new shares.

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

Restriction as to votes in respect of preference shares.

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

New shares raised under this Act and previous Acts may be of same class.

9. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares 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.

Power to borrow on mortgage.

10. 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 the whole of such additional capital of forty-five thousand pounds are 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 additional 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 has been paid on account thereof before or at the time of the issue or acceptance thereof and that such additional 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 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.

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

Appointment of a receiver.

12. Section 11 of the Act of 1878 relating to the appointment of a receiver is hereby repealed but without prejudice to any appointment heretofore made or any proceedings now pending. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their respective mortgages by the appointment of a receiver and 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 six thousand pounds in the whole.

Power to create and issue debenture stock.

13. 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 after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted

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by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

14. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

Period for compulsory purchase of lands.

15. 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.

Power to take easements &c. by agreement.

16. 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.

Company's powers as to part of Railway No. 3 suspended.

17. The powers of the Company to purchase land for and to construct so much of the railway as runs near to and parallel with the Tredegar Park Mile Railway shall be suspended for one year from the passing of this Act and shall not be exercised in the event of the owners of the Tredegar Park Mile Railway exercising any of the powers referred to in the next following section of this Act or giving up the existing double line on the Park Mile Railway to the Company as herein-after provided.

But to revive in certain events.

18. If within the said period of one year the owners of the Tredegar Park Mile Railway shall neither have taken such steps as will reasonably secure the completion of so much of the railway as runs near to and parallel with the Tredegar Park Mile within six months thereafter nor have substantially commenced to widen and lay down two additional lines of rails on the Tredegar Park Mile Railway so as to ensure the completion of such widening within a like period nor have given up the existing double line of railway as herein-after provided the suspension as aforesaid of the powers of the Company shall cease and be at an end.

Portion of railway may be made by owners of Park Mile Railway.

19. If the owners of the Tredegar Park Mile Railway shall proceed to construct that portion of the railway which is near to and parallel with the said Park Mile Railway or to widen and lay down additional rails on the last-mentioned railway as herein-before provided they shall complete the same to the satisfaction of the Board

of Trade for the public conveyance of passengers or minerals as the case may be within eighteen months from the passing of this Act or as soon thereafter as the Company are in a position to convey passengers or minerals as the case may be over any portions of their railway communicating with the Park Mile Railway and thereafter maintain the same and the works and conveniences connected therewith in good working order and condition.

Mode of construction of railway by Company.

20. The railway or portion thereof to be constructed by the Company shall be made in such line within the limits of deviation shown on the deposited plans and according to such levels as the owners of the Tredegar Park Mile Railway shall reasonably require in order to avoid unnecessary injury to the adjoining property and where the railway passes through Tredegar Park it shall be constructed as near to the existing railway as reasonably practicable and the Company shall not enter upon take use or interfere with the Tredegar Park Mile Railway or any lands belonging to the owners of that railway further than may be necessary for the construction of the railway or the said portion thereof and if any difference shall arise respecting any of the matters expressed or referred to in this section the same shall be settled by an engineer to be appointed by the Board of Trade on the application of either party.

Junctions to be formed with the Tredegar Park Mile Railway.

21. If the owners of the Tredegar Park Mile Railway shall construct and complete the portion of the railway in respect of which the powers of the Company are suspended as aforesaid or if in lieu thereof they shall widen and lay down additional lines of rails on the Tredegar Park Mile Railway then two junctions shall be formed by the Company between the railway and the Tredegar Park Mile Railway or between the portions of the railway constructed by the Company and the portion thereof constructed by the owners of the Tredegar Park Mile Railway one of such junctions being at or near the western end and the other of such junctions being at or near the eastern end of the last-mentioned railway and such junctions shall be deemed to be junctions within the meaning of Part I. of the Railways Clauses Act 1863 as if the same were shown on the deposited plans and sections and the owners of the Tredegar Park Mile Railway shall afford all necessary facilities for effecting such junctions.

Differences as to junctions &c. to be settled by independent engineer.

22. In case of difference between the Company and the owners of the Tredegar Park Mile Railway or between their respective engineers as to the precise points at which the aforesaid junctions shall be made or as to the construction of the respective portions of the railway or the widening of the Tredegar Park Mile Railway or the

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maintenance thereof the same shall be determined by an engineer to be nominated by the Board of Trade on the application of either party.

Power to use Tredegar Park Mile or portion of new railway parallel therewith.

23. The Company and all companies and persons lawfully using their railway or any part thereof shall have the exclusive use with their engines and carriages and for the purposes of traffic of every description of so much of the railway or of the Tredegar Park Mile Railway as the case may be as shall be situated between the two junctions herein-before provided for and the works and conveniences connected therewith upon payment of a sum equal either to a mileage proportion of the through road toll not exceeding the amount specified in the twenty-eighth section of the Act of 1878 with respect to each class of traffic or to the lowest rate of through road toll actually charged in respect of such class of traffic by the Company whichever sum shall be lowest and in case of difference as to the proportion of the through rates or fares to be reckoned as road toll the same shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859 or by the Railway Commissioners.

Existing Park Mile Railway may be given up for use of Company and cost of extra double line paid by Company if required.

24. Whereas the existing Tredegar Park Mile Railway consists of a double line of railway (an up line and a down line) which is worked and managed by the Great Western Railway Company and earthworks and other works have been formed on the north-eastern side thereof for another double line which the Great Western Railway Company may require to be completed and equipped for their use And whereas under the provisions of this Act the owners of the Tredegar Park Mile Railway are to provide or permit the Company to provide a double line of railway for the traffic of the Company Be it therefore enacted that in the event of the owners of the Tredegar Park Mile Railway giving up the existing double line of railway and thereafter maintaining the same for the exclusive use of the Company in lieu of constructing the portion of railway in respect of which the powers of the Company are suspended or of widening the Tredegar Park Mile Railway as aforesaid such owners shall if and when required by the Great Western Railway Company under the hand of their secretary at the expense in all things (except in respect of compensation for land forming part of Tredegar Park) of the Company construct lay down and complete a third double line of rails to the north-east of the land upon which the earthworks have been formed for a second double line as aforesaid including all signals and other works or alterations of existing works and all other expenses consequent upon the construction of such third double line of railway Any difference under this section

shall be settled by an engineer to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and the costs of such arbitration shall be in his discretion.

Portion of railway and works constructed by owners of Park Mile Railway to be deemed part of Park Mile.

25. The portion of the railway by this Act authorised which may be constructed by the owners of the Park Mile Railway or the widening of the Park Mile Railway as the case may be shall be held and enjoyed by Lord Tredegar or other the owner or owners of Tredegar Park with the same rights and privileges in all respects as if the same had formed part of the original Park Mile Railway except in so far as such rights and privileges are affected by this Act.

For the protection of the Great Western Railway Company.

26. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say):—

Not to enter on lands of Great Western Company until plans proposed works affecting that company approved.

(1.) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the President of the Institution of Civil Engineers and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the principal engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed on the application of either company by the Board of Trade;

As to execution of the railway on lands of Great Western Company.

(2.) In constructing the railway by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate to a greater extent than forty yards on either side from the centre line shown on the deposited plans where the railway crosses over the railway of the Great Western Company without the previous consent in writing of that company under their common seal and the said railway where the same is intended to cross the railway sidings land and works of the Great Western Company (hereinafter referred to as the South Wales Railway) shall be carried

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over the same by means of a bridge having a clear headway of fourteen feet six inches and three spans one of such spans being fifty-five feet and the other two spans being fifty feet each all measured on the square and such crossing of the South Wales Railway shall be effected in such a manner as not to injure the stability of that railway and works in any way whatever;

Company to pay to Great Western Company expenses of watchmen during construction of works.

(3.) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railway over and adjacent to the South Wales Railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the South Wales Railway and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise;

Damages sustained by Great Western Company to be repaid.

(4.) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works lands or property or to the traffic on their said railway or to any company or persons using the same during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission;

Maintenance of works affecting the railway of the Great Western Company.

(5.) The Company shall at their sole expense at all times maintain the bridge and other works by which the railway shall be carried over the South Wales Railway in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the land of the Company as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time reasonably incurred in

that behalf shall be repaid to them by the Company and in default of repayment the amount due may be recovered with costs by the Great Western Company from the Company in any court of competent jurisdiction;

Not to interfere with traffic on South Wales Railway.

(6.) In constructing the railway by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the South Wales Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of forty pounds per hour during which any such obstruction or interference shall continue;

No land of Great Western Company to be taken except for certain works.

(7.) Except for the purpose of crossing the South Wales Railway the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the railway and works by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossing or otherwise the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly;

Company to pay for easement.

(8.) The Company shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement;

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Arbitration.

(9.) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers in London the cost of such arbitration to be in the discretion of such arbitrator;

Saving rights of Great Western Company.

(10.) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Great Western Company otherwise than is by this Act expressly provided.

Provision for Great Western loop line near Newport.

27. Nothing in this Act contained shall prevent the Great Western Railway Company and Lord Tredegar or either of them from constructing a railway to connect in a westerly direction the Monmouthshire Railway with the South Wales Railway such railway to be agreed upon by Thomas David Roberts on behalf of the Great Western Railway Company and James Weeks Szlumper on behalf of the Company and failing agreement to be determined by arbitration as herein-after provided and the Company shall so construct the railway by this Act authorised between the properties numbered on the deposited plans 3 and 25 in the parish of Saint Woollos as to allow of the construction by the Great Western Railway Company and Lord Tredegar or either of them of the connecting railway herein-before described and so as to admit of such railway being carried under the railway by this Act authorised by a bridge to be constructed and maintained by the Great Western Railway Company and Lord Tredegar or either of them with a headway of not less than fourteen feet six inches and a span of twenty-five feet in the clear Provided always that the Company shall not alter the level of the Park Mile Railway or of the Monmouthshire Railway and in the event of any difference as to the construction of the aforesaid portion of the railway by this Act authorised or anything arising out of this enactment the same shall be determined by an engineer to be appointed on the application of either party by the Board of Trade.

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

28. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty a sum of six thousand nine hundred and eighty-three pounds fourteen shillings reduced three pounds per centum annuities being five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by the Bill for this Act as introduced

into Parliament has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act And whereas such railways included several railways which were struck out of the Bill during its progress through Parliament and the estimated expense of the railway authorised by this Act amounts to thirty-nine thousand six hundred and fifty-five pounds Be it enacted that notwithstanding anything contained in the said recited Act the sum of one thousand nine hundred and fifty-eight pounds fourteen shillings reduced three pounds per centum annuities (part of the said sum of six thousand nine hundred and eighty-three pounds fourteen shillings like annuities) being the equivalent of five per centum on the said sum of thirty-nine thousand six hundred and fifty-five pounds and in this Act referred to as 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 shall previously to the expiration of the period limited by this Act for completion of the railway open the said railway for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the said railway for the public conveyance of passengers then on 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 order the portion of the deposit fund so specified in the certificate as aforesaid to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said Board 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 recited Act to the contrary notwithstanding.

Application of deposit.

29. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway hereby authorised to be made complete the said railway and open it for the public conveyance of passengers then in every such case the deposit fund or so much thereof as shall not have been paid or transferred 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 may have

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been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railway or any portion thereof or who may 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 shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the court may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have 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 shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the solicitor to 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 deposit fund shall have been repaid to the depositors or shall have 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.

30. 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 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 five thousand and twenty-five pounds reduced three pounds per centum annuities (being the balance of the said sum of six thousand nine hundred and eighty-three pounds fourteen shillings like annuities) and the interest and 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.

31. 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 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.

Railways to form part of Company's undertaking.

32. The railway by this Act authorised shall for all purposes whatsoever be part of the undertaking of the Company and the Company may demand and receive for and in respect thereof the same tolls fares rates and charges as they are empowered by the Act of 1878 to demand and receive in respect of the railway by that Act authorised Provided that this section shall not affect the ownership of any railway which may be or may have been constructed by Lord Tredegar through Tredegar Park.

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

33. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise 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 merchandise 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 charge (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 the Regulation of Railways Act 1873 section 14.

Power to enter into traffic arrangements.

34. The Company on the one hand and the Right Honourable Lord Tredegar the Alexandra (Newport and South Wales) Docks and Railway Company and the Brecon and Merthyr Tydfil Junction Railway Company or any one or more of those companies or persons 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

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into effect contracts and agreements for and with respect to the following purposes or any of them (that is to say) :—

The use and management of the railway of the Company and of any of the railways of the other contracting companies and parties or any part or parts thereof;

The payments to be made and the conditions to be performed with respect to such use and management;

The interchange transmission conveyance and delivery of traffic from to and over the undertakings of the contracting companies and parties;

The fixing collection division and appropriation of the tolls income and profit arising from such traffic.

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

35. During the exercise of the running powers herein-before given or the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway or any part thereof by any other company the railway of the Company and of such other company or parties 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 any other railway 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 companies or parties.

Interest not to be paid on calls paid up.

36. 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 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.

37. 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

Provision as to general Railway Acts.

38. 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.

39. All 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.

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