CHAPTER cclx.

An Act to authorise the Rhymney Railway Company to make new Railways in the parish of Merthyr Tydfil in the county of Glamorgan; and for other purposes. A.D. 1882.

[18th August 1882.]

WHEREAS it is expedient that the Rhymney Railway Company be authorised to construct and maintain in connexion with their undertaking the railways herein-after described and authorised by this Act:

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that the Company and any company or persons using their railway or any part thereof be empowered to run over work and use the portion of the railways and stations of the Great Western Railway Company herein-after in that behalf specified and also by agreement the railways of or belonging to Messieurs Crawshay Brothers:

And whereas it is expedient that provision should be made for the joint ownership by the Company and the Great Western Railway Company of the railways by this Act authorised and for empowering the Taff Vale Railway Company to run over work and use the railways authorised by this Act in manner herein-after appearing:

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 taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid cannot be obtained without the authority of Parliament:

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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 Rhymney Railway Act 1882.

Incorporation of general Acts. 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 Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts. 8 & 9 Vict. c. 16.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to

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 nonpayment of calls ;

The remedies of the creditors of the Company against shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

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

26 & 27 Vict. c. 118.

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock ;

are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpretation of terms.

4. 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 or inconsistent with such construction and in and for the purposes of this Act the expression "the railways" shall mean the railways by this Act

authorised and 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 railways.

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 sidings approaches roads junctions 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 railways herein-before referred to and authorised by this Act are :—

(1) A railway (No. 1) 4 miles 4 furlongs and 6 chains in length situate wholly in the parish of Merthyr Tydfil in the county of Glamorgan commencing by a junction with the branch of the Great Western Railway Company's Newport Abergavenny and Hereford Railway which runs from Quaker's Yard to Middle Duffryn and terminating on the private railway of Messieurs Crawshay Brothers which extends northward from their Castle Pit ;

(2) A railway (No. 2) 1 mile 3 furlongs 3 chains and 3 links in length situate wholly in the parish of Merthyr Tydfil commencing by a junction with railway No. 1 at its termination and terminating by a junction with the Great Western Railway Company's Vale of Neath Railway ;

(3) A railway (No. 3) 2 furlongs and 86 links in length situate wholly in the parish of Merthyr Tydfil commencing by a junction with railway No. 2 and terminating by a junction with the Great Western Railway Company's Vale of Neath Railway ;

(4) A railway (No. 4) 2 furlongs 4 chains and 70 links in length situate wholly in the parish of Merthyr Tydfil commencing by a junction with railway No. 1 and terminating on the embankment connected with the sidings of the Merthyr Vale Colliery near the Black Lion Gates.

Not to take lands or interfere with railways of Great Western Railway Company except for

6. Notwithstanding anything herein or in the incorporated Acts contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or temporarily any of the lands works or property of the Great Western Railway Company or in any manner to alter vary or interfere with the railways of that company or the

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works of or connected therewith without the consent of the Great Western Railway Company under their common seal save only for the purpose of effecting the junctions of railways Nos. 1 2 and 3 respectively by this Act authorised with the railways of the Great Western Railway Company and the Great Western Railway Company may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junctions or any of them and substitute a new junction or junctions as the case may be therefor but so as such alteration or removal or substituted junction or junctions shall not stop the traffic of the said railways Nos. 1 2 and 3 or any of them by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the said junctions or any of them or the substituted junctions as the case may be or the signals works and conveniences connected therewith.

the purpose of junctions.

Power to take easements &c. by agreement.

7. 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 or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Lands for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement under the powers of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed three acres.

For the protection of the Merthyr Tydfil Local Board of Health.

9. The following provisions shall have effect for the benefit and protection of the Merthyr Tydfil Local Board of Health (herein-after referred to as "the local board"):—

(A) The bridge to carry the Aberfan parish road numbered 64a on the deposited plans of railway No. 1 in the parish of Merthyr Tydfil over the railway shall be constructed and completed by and at the expense of the Company not less than 20 feet in width to the reasonable satisfaction of the engineer to the local board before the opening for traffic of any part of railway No. 1;

(B) The occupation road on the deposited plans of railway No. 4 numbered 8a in the parish of Merthyr Tydfil shall be continued under the said railway No. 4 by means of a bridge to

be constructed by the Company at their own expense to the reasonable satisfaction of the engineer of the local board before the opening for traffic of any part of railway No. 4;

(c) Where any of the works to be made or executed under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewage carrier sewer drain water carrier pipe culvert tank or other work of the local board the Company shall not commence such works until they shall have given to the local board twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the local board at Merthyr Tydfil with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the local board shall have signified their approval of the same by writing under the hand of their engineer unless the local board fail to signify their approval or disapproval within twenty-one days after delivery of the said plans sections and particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the local board or of their engineer in the execution of the said works and shall provide by new altered or substituted works in such manner as the local board or their engineer shall reasonably require for the proper protection of and for preventing injury or impediment to the system of sewage and water supply of the local board by or by reason of the works of the Company or any part thereof and shall save the local board harmless against all and every expense to be occasioned thereby and all such works shall be done under the direction superintendence and control of the engineer or other officer or officers of the local board at the reasonable costs and expenses in all respects of the Company and when any new altered or substituted works as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this section the same shall thereafter be as fully and completely the property of and under the direction jurisdiction and control of the local board as the case may be as any works of the local board now are or hereafter may be but shall for ever after be maintained by and at the expense of the Company;

(d) The Company shall and will construct and maintain at their own expense passenger railway stations for the convenience of the inhabitants of Aberfan and Troedyrhiw and the adjoining districts;

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(E) Save as in this Act expressly provided nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the local board or their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed;

(F) All differences or questions which may at any time arise between the Company and the local board as to the construction or effect of the foregoing sub-sections or the performance or observance of any of the provisions thereof or any matters connected therewith shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed by the Board of Trade on the application of either party and the decision of every such arbitrator shall be binding and conclusive and the costs of the arbitration shall be in his discretion.

For the protection of the Company of Proprietors of the Glamorganshire Canal Navigation.

10. For the protection of the Company of Proprietors of the Glamorganshire Canal Navigation (herein-after referred to as "the Canal Company") the following provisions shall have effect that is to say:—

(A) The railways and works by this Act authorised shall not when completed interfere with the waterway locks or towing-path of the canal of the canal company except by the bridge carrying the railway No. 1 across the said canal and towing-path which bridge shall have a clear span of 30 feet on the square and a clear height of 8 feet from the present level of the towing-path to the under side of the arch and the abutments of the bridge shall be built parallel with the centre line of the canal and proper retaining walls shall be built and maintained by the Company for supporting the towing-path beneath the bridge;

(B) During the construction of the railways and works by this Act authorised neither the waterway nor the locks of the canal nor any land within 20 feet of either side of any lock nor any part of the towing-path shall be taken nor shall the same be interfered with except so far as may be necessary for the purpose of carrying the said bridge over the same and neither during the construction of the said bridge nor at any other time shall the free passage of traffic along the canal or towing-path be impeded;

(C) All existing tramways roads and communications between the canal and any collieries mines works quarries or clay pits which shall be severed from the canal by the railways or either of them shall be kept open by means of bridges to be

constructed and for ever after maintained by and at the expense of the Company to the reasonable satisfaction of the engineer of the canal company and all such bridges if over such tramways roads or communications shall be of not less than 12 feet span and 8 feet high;

(D) In case the canal company or the proprietor or proprietors of any collieries mines works or quarries or other person or persons having a right under the canal company's Acts to make railways or roads for bringing goods to or from the canal shall at any time hereafter desire to make any railway or road under or over the railways hereby authorised or either of them it shall be lawful for them or him so to do and any such railway or road to be constructed under the railways hereby authorised may be carried under those railways by means of a bridge having a span not exceeding 12 feet and whether such railway or road shall be over or under the railways hereby authorised or one of them the bridge carrying the same over or under the last-mentioned railway shall be constructed to the reasonable satisfaction of the Company's engineer;

(E) No streams brooks and rivulets the water of which flows directly or indirectly into the canal and no watercourses pipes and appliances for bringing the water of those streams brooks and rivulets to the canal shall be obstructed by the Company during or after the construction of the works hereby authorised it being the intent that the same may continue to supply the canal with water as effectually as they now do and no existing sluices outlets watercourses pipes and appliances for discharging water from the canal shall in like manner be obstructed by the Company and all culverts watercourses and other works necessary for effecting the purposes of this enactment shall be made and maintained by the Company to the reasonable satisfaction of the canal company's engineer and for the purposes of this sub-section all streams flowing into the Clyndyrys Pond in the parish of Merthyr Tydfil shall be deemed to be streams the water whereof flows into the canal;

(F) Where any public or private roads or bridges at present maintained by the canal company shall be taken diverted or interfered with for any of the purposes of this Act the same shall be restored and rebuilt to the reasonable satisfaction of the engineer of the canal company and if any bridges carrying roads across the canal shall be rebuilt or altered the same shall when rebuilt or altered be of a height and span at least equal to their present height and span;

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(G) The Company shall be responsible in damages to the canal company for any injury to their canal or works which may happen whether by accident or otherwise by reason of the construction of the railways or works hereby authorised;

(H) Save as is herein expressly provided nothing in this Act shall take away abridge or affect any of the rights or powers of the canal company;

(I) If any difference shall arise between the Company and the canal company as to any matter or thing provided for or enacted by this section the same shall be referred to an arbitrator to be agreed upon between them or failing agreement by an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers and the decision of the arbitrator so agreed upon or appointed shall be final and conclusive and the costs of such arbitration shall be in his discretion.

Power to apply corporate funds to purposes of Act.

11. The Company may apply for the purposes of this Act any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised.

Power for the Company to raise additional capital.

12. In addition to such share capital as the Company are for the time being independently of this Act authorised to raise they may from time to time raise such additional capital as they think requisite for the purposes of this Act not exceeding the sum of one hundred and fifty thousand pounds and for the general purposes of their undertaking a further sum not exceeding one hundred and fifty thousand pounds.

Mode of raising additional share capital.

13. The additional share capital by this Act authorised to be raised by the Company shall be raised by the issue 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 as the Company from time to time think fit.

As to votes of proprietors of such shares.

14. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company.

Shares not to be issued till one fifth part thereof shall have been paid.

15. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds 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 shall have been paid in respect thereof.

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

16. 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.

Receipt clause in case of persons not sui juris.

17. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

18. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole one hundred thousand pounds in manner following that is to say in respect of each sum of one hundred and fifty thousand pounds of the said additional capital any sum not exceeding in the whole fifty thousand pounds but no part of any such sum of fifty thousand pounds shall be borrowed until shares for so much of that portion of additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of that portion of additional 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 that portion of additional capital have been issued and accepted and that one half of that portion of additional capital has been paid up and that not less than one fifth part of the amount of each separate share in that portion of additional 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 that portion of 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 and paid up 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 the said additional capital is raised by shares 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 certificate shall be sufficient evidence thereof.

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Existing mortgages to have priority.

19. All mortgages or bonds 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 and bonds and subject to the provisions of the Acts under which those mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of former Acts with respect to appointment of a receiver.

20. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

21. 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 principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power to create debenture stock.

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

Application of moneys.

23. All moneys which the Company may raise under the powers of this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and the general purposes of the Company to which capital is properly applicable.

Period for the compulsory purchase of lands.

24. 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.

Imposing penalty unless railway

25. If the Company fail within the period limited by this Act to complete the railways authorised by this Act the Company shall

be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works in respect of which the penalty has been incurred and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice in England in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

be opened within the time limited.

17 & 18 Vict. c. 31.

26. Every sum of money so recovered by way of penalty as aforesaid 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 in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of that railway conferred upon the Company 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her

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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 said Division if the Company is insolvent or 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.

Period for completion of works.

27. If the railways be not completed within three 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 railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Provisions for joint ownership of the railways by the Company and the Great Western Railway Company.

28. The railways and works by this Act authorised shall be constructed by the Company but at the joint and equal expense of the Company and of the Great Western Railway Company and shall when constructed and opened for traffic be held by the Company in trust for the Company and the Great Western Railway Company jointly and in equal shares and shall be maintained at the joint and equal expense of those two companies and the following provisions with respect to the joint ownership shall apply and have effect (that is to say) :—

(A) The Great Western Railway Company shall from time to time upon the request in writing of the Company under the hand of their secretary pay to the Company one half of all expenses which shall for the time being have been reasonably and properly incurred by the Company in or about the construction of the railways or works by this Act authorised and the purchase of land for the purposes thereof and of all other expenses reasonably and properly incurred by them incidental to such construction and purchase including one half of any expenses incurred by the Company by reason of any liability imposed upon them by sub-section G of section 10 of this Act and the Great Western Railway Company may apply for the purposes aforesaid any moneys from time to time raised by them and which are not by any of the Acts relating to that company made applicable to any special purpose or which being so made applicable are not required for the special purpose and in case any sum which ought to be paid by the Great Western Railway Company to the Company under or by virtue of this section shall be in arrear and unpaid for twenty-eight days after payment thereof has been requested by

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the Company in manner aforesaid the amount in arrear shall while in arrear bear interest at the rate of five pounds per centum per annum and every such sum together with the interest thereon (if any) shall be a debt owing by the Great Western Railway Company and shall be recoverable by action or any other appropriate remedy and may be set off against any sum owing by the Company to the Great Western Railway Company;

(B) The maintenance management and regulation of the railways and works by this Act authorised when the same shall have been constructed and opened for traffic shall be vested in the joint committee appointed under the agreement of the twenty-ninth day of March one thousand eight hundred and sixty-seven scheduled to and confirmed by the Great Western Railway Company's (Various Powers) Act 1867 and the said joint committee shall in relation to the said railways and works act in accordance with and subject to the several regulations set forth in the 75th section of that Act; 30 & 31 Vict. c. cl.

(C) The local traffic that is to say traffic confined to the railways and works by this Act authorised shall be worked by either the Company or the Great Western Railway Company or by both as the joint committee shall from time to time determine and that traffic shall be under the control and regulation of the joint committee and the tolls fares rates and charges for the same shall from time to time be fixed by the joint committee;

(D) The joint committee shall from time to time fix the tolls and charges to be paid by the Company and the Great Western Railway Company respectively for their respective user of the railways and works by this Act authorised;

(E) All tolls and charges for the user of the railways and works by this Act authorised or any parts thereof from time to time payable by the two companies or either of them or by any other company or person from time to time using the same shall be taken and received by the joint committee and the surplus thereof after deducting thereout the expenses payable by the joint committee shall be paid by the joint committee to the Company and the Great Western Railway Company in equal shares but as regards receipts for local traffic as hereinbefore defined there shall before division thereof between the two companies be made to the company carrying the traffic such allowance for working expenses as the joint committee from time to time determine;

(F) Subject to the payment to the joint committee of the tolls and charges from time to time fixed as aforesaid and to such

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conditions and regulations as the joint committee may from time to time impose for regulating the traffic upon the railways and works by this Act authorised each company shall have full power to work their traffic over those railways and works subject to such limitations and restrictions (if any) as failing agreement shall be determined by arbitration in manner hereinafter provided;

(G) All differences arising between the Company and the Great Western Railway Company in any way relating to this Act or any of the subject matters thereof and not being a difference which in accordance with this Act is to be determined by the joint committee shall be determined by a single arbitrator to be appointed in case of difference under the provisions of the Common Law Procedure Act 1854 but except as varied by this section all the provisions of the Railway Companies Arbitration Act 1859 shall have effect with regard to such arbitration and the same shall be deemed an arbitration under that Act.

17 & 18 Vict. c. 125.

22 & 23 Vict. c. 59.

Tolls for use of railway.

29. The Company may demand and take for the use of the railways by this Act authorised and for the supply of carriages wagons or trucks thereon any tolls rates and charges not exceeding those which they are empowered to demand and take in respect of their existing undertaking and those railways shall in all respects be deemed part of the undertaking of the Company.

Classification table to be open to inspection and copies to be sold.

30. 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 railways of the Company 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 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 shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

36 & 37 Vict. c. 48.

Power to use other railways.

31. 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 wagons 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 so much of the railway of the Great Western Railway Company's Vale of Neath Railway as lies between Merthyr Tydfil and the termination of railway No. 3 together with all stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices sidings junctions machinery works and conveniences of or connected with the same portion of railway and as regards traffic conveyed by them the Company or such other company or persons as aforesaid may demand the same tolls and charges upon and in respect of the portion of railway stations works and conveniences as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

32. 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 said portion of railway stations works and conveniences shall be such as are from time to time agreed upon between them and the Great Western Railway 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 either party 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: Provided always that the tolls and charges referred to in this section shall not exceed the tolls and charges by this Act authorised.

Running powers to Taff Vale Railway Company over railways authorised by this Act.

33. The Taff Vale Railway Company may run over work and use with their engines and carriages officers and servants the railways by this Act authorised or either of them or any part or parts thereof for the purposes of traffic of every description and they may also use all junctions sidings platforms booking and other

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offices warehouses watering places and supplies of water approaches turntables works and conveniences necessary for such traffic in upon or connected with the said railways and stations and as regards traffic conveyed by them the Taff Vale Railway Company may demand and take the same tolls and charges upon and in respect of the said railways and stations as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

34. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Taff Vale Railway Company for and in respect of the use of the said railways stations works and conveniences shall be such as are from time to time agreed upon between them and the Company or failing agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either party 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: Provided always that the tolls and charges referred to in this section shall not exceed the tolls and charges by this Act authorised.

Running powers to Taff Vale Railway Company over portion of Newport, Abergavenny and Hereford Railway.

35. The Taff Vale Railway Company may run over work and use with their engines carriages and wagons 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 arising at or destined for any place on the railways by this Act authorised and arising at or destined for any place on the system of the Taff Vale Railway Company including Cardiff and Penarth so much of the Great Western Railway Company's Newport Abergavenny and Hereford Railway as lies between the junction with that railway of the Taff Vale Railway at Llancaiach and the junction therewith of the railway No. 1 by this Act authorised together with all stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices sidings junctions machinery works and conveniences of or connected with the said portion of railway and as regards traffic conveyed by them the Taff Vale Railway Company may demand the same tolls and charges upon and in respect of the said portion of railway stations works and conveniences as are for the time being authorised to be taken thereon or in respect thereof.

Terms of such user.

36. The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Taff Vale Railway Company for and in respect of the use of the said portion of railway stations works and conveniences shall be

such as are from time to time agreed upon between them and the Great Western Railway Company or failing agreement as may from time to time be determined by an arbitrator to be appointed by the Board of Trade on the application of either party 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: Provided always that the tolls and charges referred to in this section shall not exceed the tolls and charges by this Act authorised.

Running powers to London and North-western Railway Company northwards of Castle Pit.

37. The London and North-western Railway Company may run over work and use with their engines carriages and wagons officers and servants so much of the railways by this Act authorised or of any railways which may be constructed or acquired by the Company under the powers of this Act as shall lie northwards from the Castle Pit together with the sidings works and conveniences connected with such railways or any of them upon and subject to such terms conditions and regulations as shall from time to time be agreed upon or determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

Running powers to Brecon and Merthyr Tydfil Junction Railway Company northwards of Castle Pit and over portion of Vale of Neath Railway.

38. The Brecon and Merthyr Tydfil Junction Railway Company (herein-after called the Brecon Company) may run over work and use with their engines carriages and wagons officers and servants so much of the railways by this Act authorised or of any railways which may be constructed or acquired by the Company under the powers of this Act as shall lie northwards from the Castle Pit and also over so much of the Great Western Railway Company's Vale of Neath Railway as lies between the junction of that railway with the Brecon and Merthyr Tydfil Junction Railway and the termination of railway No. 2 by this Act authorised together with the sidings works and conveniences connected with those portions of railways respectively upon and subject to such terms conditions and regulations as shall from time to time be agreed upon or determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859: Provided always that the tolls rates and charges to be fixed by the arbitrator to be paid to the Great Western Railway Company shall not exceed tolls rates and charges as for three miles.

Power to use private railway of Messieurs Crawshay Brothers.

39. The Company and any company or persons for the time being working or using the railways of the Company or any of them or any part or parts thereof respectively may by agreement run over work and use with their engines carriages and wagons officers and servants whether in charge of engines and trains or for any other purpose whatsoever and for the purposes of traffic of every description the railways of or belonging to Messieurs Crawshay

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Brothers together with all works and conveniences of or connected therewith upon such terms and conditions as may be agreed upon between the Company and Messieurs Crawshay Brothers.

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

40. During the user of the railways or any other railway or any part thereof respectively by any company or companies or persons the railways of the Company and of such other company or companies shall for the purposes of short-distance tolls and charges be considered as one continuous railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of such other company or companies for a less distance than four miles tolls and charges may be charged as for four miles only and in respect of passengers for every mile or fraction of a mile beyond four 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 four 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 railways of the Company and partly on the railways of such other company or companies.

Saving rights of Brecon and Merthyr Tydfil Junction Railway Company.

41. Nothing in this Act shall prejudicially affect an agreement dated the first day of January one thousand eight hundred and sixty-eight made between Robert Thompson Crawshay and the Brecon and Merthyr Tydfil Junction Railway Company and the Company shall at all times hereafter for all purposes of that agreement maintain so far as in them lies access to the private lines of Messieurs Crawshay between the Castle Pit and Llwyncellyn Junction.

Interest not to be paid on calls paid up.

42. 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 the 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.

Deposit for future bills not to be paid out of capital.

43. 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.

44. Nothing in this Act contained shall exempt the Company or the railways 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. A.D. 1882.

Costs of Act.

45. 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 and the Great Western Railway Company in equal moieties.

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