ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxxix.

An Act for making a Railway from the *Swansea Vale* Railway at *Ynisymond* in the Parish of *Cadoxton* to *Nantmelyn* in the Parish of *Llangefelach*, both in the County of *Glamorgan*, with Branches. [9th *July* 1847.]

WHEREAS the making of the Lines of Railway hereinafter particularly mentioned would be of great public Advantage, by opening an additional and certain Means of Communication between the said Places, and also by facilitating Intercommunication with many large Ironworks and extensive Mines and Quarries: And whereas the Persons hereafter named, together with other Persons, are willing, at their own Expence to carry such Undertaking into execution; but the same 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, That the "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such Parts thereof as may be modified by or be inconsistent with the Provisions of this Act.

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, and Proceedings at Law or in Equity, it shall be sufficient to use the Expression "The *Swansea and Amman Junction* Railway Act, 1847."

Subscribers incorporated.

III. And be it enacted, That *John Townsend Kirkwood* and *Joseph Martin*, and all other Persons and Corporations who have already subscribed or who shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways herein-before mentioned, and herein-after more particularly defined, with proper Works and Conveniences belonging thereto, according to the Provisions of this Act and the Acts incorporated therewith, and for other the Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Swansea and Amman Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions in this Act and in the said Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is Forty thousand Pounds; be it enacted, That the Capital of the said Company shall be Forty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the said Capital shall be divided shall be Two thousand, and the Amount of each Share shall be Twenty Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Fifteen Pounds of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Three Months at the least shall be the Interval between successive Calls.

Interest not to be paid on Calls paid up.

VII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

VIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any

any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

IX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Thirteen thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears to be enforced by the Appointment of a Receiver.

X. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Number and Qualification of Directors.

XI. And whereas *John Townsend Kirkwood* Esquire and *Joseph Martin* Esquire are at present the sole Proprietors of Shares in the Company; be it enacted, That until the First Ordinary Meeting to be held after the passing of this Act the said *John Townsend Kirkwood* and *Joseph Martin* shall be the sole Directors of the Company, and that from and after such First Ordinary Meeting the Number of Directors of the Company shall be Three, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

XII. And be it enacted, That it shall be lawful for the Company from Time to Time to increase the Number of Directors, provided that the Number of Directors when so increased do not exceed Twelve.

Directors named to vacate, and as to future Election.

XIII. And be it enacted, That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, shall elect a Third Director, and may either continue in Office the Directors appointed by this Act or either of them, or may elect new Directors to supply the Places of those not continued in Office; and at the corresponding Ordinary Meeting to be held in the next and every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office in Rotation, agreeably to the Provisions in the said "Companies Clauses Consolidation Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said "Companies Clauses Consolidation Act, 1845."

Quorum of Directors.

XIV. And be it enacted, That from and after such First General Meeting the Quorum of a Meeting of Directors shall be Three.

XV. And

First Meeting of Company.

XV. And be it enacted, That the First Ordinary Meeting of the Company shall be held within Six Months after the passing of this Act.

Newspapers for Insertion of Advertisements.

XVI. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be One or more Papers circulating in the Counties of *Glamorgan* and *Carmarthen*.

Railways to be made according to deposited Plans.

XVII. And whereas Plans and Sections of the intended Railways, showing the Lines and Levels thereof, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, or which may be required to be taken for the Purposes of the Undertaking, have been deposited with the Clerks of the Peace of the Counties of *Glamorgan* and *Carmarthen*; be it enacted, That, subject to the Provisions in this and the said Consolidation Acts contained, it shall be lawful for the said Company to make and maintain the following Railways and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose; (that is to say,)

Line of Railway.

A Railway commencing by a Junction with the Line of the *Swansea Vale* Railway at *Ynisymond Ucha* in the Parish of *Cadoxton* otherwise *Cadoxton juxta Neath* in the County of *Glamorgan*, and terminating in a Field, being Part of a Farm called *Nantmelyn*, in the Hamlet of *Rhyndwyclydach Higher* in the Parish of *Llangafelach* otherwise *Llangefelach* in the said County of *Glamorgan*:

And a Branch Railway diverging out of the said Line so as to connect the same with the *Swansea* Canal, commencing from a Point on the said Main Line in the said Parish of *Llangafelach* on the West Side thereof, and terminating on the West Bank of the said Canal in the said Parish of *Llangafelach* at the Distance of about One hundred and fifty Yards West of the Main Line;

A Line of Railway commencing by a Junction with the first-mentioned Line at the Terminus thereof at *Nantmelyn* aforesaid, and terminating at the *Gwaun Cae Gurwen* Colliery on the *Gwaun Cae Gurwen* Common in the Parish of *Llanguick* otherwise *Llanciwg* in the said County of *Glamorgan*.

Gauge of Railway.

XVIII. And whereas the Railway hereby authorized is intended to join the *Swansea Valley* Railway in the Parish of *Cadoxton juxta Neath* in the County of *Glamorgan*, and the Traffic of the Railway hereby authorized is to be carried over the said *Swansea Valley* Railway to or from the Port of *Swansea*: And whereas the *Swansea Valley* Railway is to be made on the Broad Gauge of Seven Feet; be it therefore enacted, That the Rails on the Railways hereby authorized shall be laid on the said Broad Gauge of Seven Feet in Width.

XIX. And

Additional Rails to be laid down, if required by Commissioners of Railways.

XIX. And whereas it is expedient that Provision should be made for laying down and maintaining additional Rails on the Narrow Gauge upon the said Railway hereby authorized; be it enacted, That on the Application to the Commissioners of Railways of any Three or more Owners, Lessees, or Occupiers of any Mineral Property or Ironworks in the Valley through which the Railway hereby authorized is to be made, and its appearing to the said Commissioners of Railways that the public Convenience would require such additional Rails, the Company hereby incorporated shall and they are hereby required, in case the said Commissioners of Railways shall at any Time so direct, to lay down and maintain upon the Railway hereby authorized, or any Part thereof, such additional Rails as may be directed by the said Commissioners for the Use of Carriages and Engines adapted for the Narrow Gauge of Four Feet Eight Inches and a Half, and such additional Rails shall be laid down and maintained and used to the Satisfaction and Approval of the said Commissioners of Railways, and all necessary Facilities and Accommodations shall be afforded by the Company hereby incorporated, or their Lessees, for the convenient Use thereof.

Lands for extraordinary Purposes.

XX. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres.

Period for compulsory Purchase of Lands.

XXI. And be it enacted, That 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 after the passing of this Act.

Period for Completion of Railway, &c.

XXII. And be it enacted, That after the Expiration of Seven Years after the passing of this Act all the Powers hereby granted to the Company for making the Railway hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Tolls.

XXIII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railways not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

In respect of the Tonnage of all Articles conveyed upon the said ailways or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For all Pit Wood for the Use of Mines and Collieries, and for all Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in

in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Farthing:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence, and a further Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Two-pence:

Tolls for Passengers and Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railways, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile not exceeding Three-pence; and for every Ox, Cow, Bull, or Neat Cattle, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny:

For every Calf or Pig, *per* Mile not exceeding One Penny; and for every Sheep, Lamb, or other small Animal, *per* Mile not exceeding Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing.

Tolls for propelling Power.

XXIV. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken, unless the said Passengers, Animals, or Goods are sent by a Special Train, in which Case the Company shall be entitled to charge any reasonable Sum in their Discretion beyond the Tolls and Charges herein limited.

Regulations as to the Tolls.

XXV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railways for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXVI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons, but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Maximum Rates of Charges for Passengers.

XXVII. And be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways, including the Tolls for the Use of the Railways and of Carriages, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Three-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

For Animals, Goods, &c.

XXVIII. And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, be it enacted, That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railways, and Waggons or Trucks, and locomotive Power,

and

and every Expence incidental to such Conveyance, except the loading and unloading of Goods, where such Service is performed by the Company, shall not exceed the following Sums:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, the Sum of Five-pence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle, the Sum of Two-pence *per* Head *per* Mile:

For every Calf, the Sum of One Penny *per* Mile:

For every Sheep, Pig, Lamb, or other small Animal, the Sum of Three Farthings each *per* Mile:

For every Carriage, the Sum of Seven-pence *per* Mile:

For Manure, and other Articles herein-before classed therewith, the Sum of One Penny Farthing *per* Ton *per* Mile:

For Pitwood, and other Articles herein-before classed therewith, the Sum of One Penny Three Farthings *per* Ton *per* Mile:

For Sugar, and other Articles herein-before classed therewith, the Sum of Three-pence *per* Ton *per* Mile:

For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Four-pence *per* Ton *per* Mile.

Restriction as to Charges not to apply to Special Trains.

XXIX. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train, but shall apply only to the Ordinary Trains appointed or to be appointed from Time to Time by the said Company: Provided further, that nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Passengers Luggage.

XXX. And be it enacted, That every Passenger travelling upon the Railways may take with him at his own Risk his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Nothing to authorize Railway Company to interfere with the Rights of the Swansea Canal granted under 34 G. 3. c. 109.

XXXI. And be it enacted, That nothing in this Act contained shall take away, alter, lessen, restrain, or in any Manner whatsoever prejudice or affect any of the Rights, Privileges, Powers, or Authorities contained in or given or confirmed by an Act of Parliament passed in the Thirty-fourth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from the Town of* Swansea *in the County of* Glamorgan *in the Parish of* Ystradgunlais *in the County of* Brecon, or shall authorize the said Railway Company to alter the Canal mentioned in the said Act as to its Line or Level or in any other respect, or the Towing Path thereof, or to obstruct the Navigation of the said Canal or any Part thereof, or to divert, contract, or obstruct any of the Waters therein, or any Brooks, Streams, waste Water, Cuts, Feeders, or Watercourses supplying the same with Water, or conveying therefrom the waste Water, or otherwise connected with the said Canal, or

to injure any of the Works thereof; provided, however, that such Reservation of Rights, Privileges, Powers, and Authorities shall not prevent, hinder, or obstruct the Exercise of the several Powers and Authorities given by this Act.

Penalty for obstructing or impeding the Navigation of the Canal.

XXXII. And be it enacted, That in case by reason of any of the Works by this Act authorized or required to be made, or the State of Repair thereof, or of any Act or Omission of the Railway Company or any of their Agents or Servants, the Navigation of the said Canal shall be obstructed or impeded, then and in any of the said Cases the Railway Company shall pay to the said *Swansea* Canal Company, as ascertained Damages, the Sum of Five Pounds for every Hour, and also to the Duke of *Beaufort*, or to the Person for the Time being entitled to that Part of the said Canal which passes through the Fee of *Trewyddfa*, as ascertained Damages, the Sum of One Pound for every Hour during which respective Periods any such Obstruction shall continue on the said Canal; and the said *Swansea* Canal Company and the Duke of *Beaufort*, or such other Person as aforesaid, respectively, may sue for and recover the said respective Sums, together with full Costs of Suit, against the Railway Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

As to Repair of Bridge over Canal.

XXXIII. And be it enacted, That in case any such Bridge over the said Canal or any Part thereof shall not be kept in good and substantial Repair, it shall be lawful for the said *Swansea* Canal Company or the Duke of *Beaufort*, or such other Person entitled as aforesaid to that Part of the said Canal which passes through the Fee of *Trewyddfa*, respectively, after reasonable Notice, to do the needful Repairs, and to recover from the Railway Company the Amount of the Expences thereof, with lawful Interest for the same from the Time of the incurring thereof, by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

If at any Time Canal be converted into a Railway, Bridge may be altered.

XXXIV. Provided always, and be it enacted, That if at any Time hereafter the said Canal, or that Part of it which is crossed by the said Railway hereby authorized to be made, shall be converted into a Railway, the said Bridge shall be altered, by and at the Expence of the *Swansea* Canal Company, in such Manner as may be necessary to afford full and sufficient Space for the Railway so to be constructed on the Line of the said Canal, or that Part of it as aforesaid, and for the free Transit of all Locomotive Engines, Carriages, and Waggons using the said last-mentioned Railway, whether the said last-mentioned Railway shall cross the Railway hereby authorized to be made under or over the same, provided such Alteration shall not in any way affect the Level of the said Railway hereby authorized to be made.

Railway Company to afford Facilities of Communication with Swansea Canal.

XXXV. And whereas under the said Act of Parliament relating to the *Swansea* Canal certain Powers are reserved or given to the Company of Proprietors of the said Canal, or the Owners of any Manors, Estates, or Lands containing any Mines, Seams, or Veins of Iron, Iron Ore, Rottenstone, Ironstone, Lead, Coal, or other Minerals, or any

any Quarries of Limestone, Slates, or Tiles, or the Proprietors of any Iron Furnaces, Forges, or other Works, or the Renters, Lessees, or Occupiers of the same, or any or either of them, situate within certain Distances of the said Canal, and also to the Duke of *Beaufort*, or such other Person entitled as aforesaid to that Part of the said Canal which passes through the Fee of *Trewyddfa* respectively, to make Drains, Railways, Waggon Roads, and navigable Cuts to the Extent and in the Manner specified in the said Act, in order to communicate with the said Canal: And whereas the said Railways hereby authorized to be made, or some or one of them, may intervene between the said Canal and any of the Lands, Mines, or Works in respect of which such Powers are reserved or given as aforesaid; be it enacted, That in the event of the Company of Proprietors of the *Swansea* Canal Navigation, or other the Persons lastly herein-before mentioned, or the said Duke of *Beaufort*, or the other Persons entitled to that Part of the said Canal which passes through the Fee of *Trewyddfa*, being desirous to make or procure to be made any such Drains, Railways, Waggon Roads, or navigable Cuts respectively, to communicate with the said *Swansea* Canal, the Railway Company shall afford all requisite and proper Facilities for the Formation thereof respectively, at the Cost in all things of the Parties requiring the same, where necessary, either over, under, or by the Side of the Railways hereby authorized to be made; and if any Difference shall arise between the Railway Company and any Person so desirous to make or procure to be made any such Drain, Railway, or Waggon Road, or navigable Cut, or between the Railway Company and the said Company of Proprietors of the *Swansea* Canal Navigation, or between the Railway Company and the Duke of *Beaufort*, or such other Persons entitled as aforesaid, either as to the Mode of carrying the same over, under, or by the Side of the Railways, or as to the Place where the same should be so carried on, or as to the Facilities to be afforded by the Railway Company for the Purposes thereof, or as to the Use thereof at any Time thereafter by the Owners, Lessees, or Occupiers thereof, or other the Persons or Person entitled to such Use, such Difference shall be settled by Arbitration according to the Mode prescribed by the Lands Clauses Consolidation Act, 1845.

Branch Line to Swansea Canal, &c. to be made before Junction of Main Line with Swansea Valley Railway.

XXXVI. And be it enacted, That the said Company shall and they are hereby required to make and construct the said Branch Railway herein-before secondly mentioned, and also a Shipping Place at the End of the said Branch Railway, and adjoining the said Canal and the Towing Path thereof, before any Junction shall be formed between the Main Line of Railway hereby authorized and the *Swansea Valley* Railway, or any other Railway which shall be made on the Eastern Side of the said Canal.

As to crossing Swansea Canal by the Railway.

XXXVII. And be it enacted, That wherever the said Railways or any of the said Branch Railways shall be carried over the said Canal, by virtue of this Act, the Railway Company shall, at their own Expence, and at all Times for ever thereafter, maintain and keep in perfect Repair a good and substantial Bridge over such Canal and the Towing Path thereof, with proper Approaches, and that the Span of every such Bridge between the Abutments thereof shall be at least Twenty Feet in the Clear, so as to include the Canal and the Towing

Path thereof, and that such Towing Path under the Bridge shall be in every Case at least Six Feet in Width, and that no Part of the Soffit of the Arch of any such Bridge shall come within less than Eleven Feet of the Top-water Level of the said Canal, and that no Part of any such Arch over the Towing Path shall be less than Eight Feet above the Top-water Level of the said Canal, and that at all Times during the Formation of such Bridge and any future Repairs thereof the said Company hereby incorporated shall leave an open and uninterrupted navigable Waterway of the Width of Fourteen Feet and of the Height of Eight Feet, together with Six Feet in Height and Width for the Towing Path, for the free and uninterrupted Passage of Boats and Barges along the said Canal.

As to Repair of Bridges over Canal.

XXXVIII. And be it enacted, That in case any such Bridge over the said Canal or any Part thereof shall not be kept in good and substantial Repair it shall be lawful for the said *Swansea* Canal Company to do the needful Repairs, and to recover from the Railway Company the Amount of the Expences thereof, with lawful Interest for the same from the same Time of the incurring thereof, by Action of Debt or on the Case, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*.

Level of the River Tawe not to be altered.

XXXIX. And whereas the said Railways, or some or one of them, are or is intended to be carried at one or more Place or Places over the River *Tawe;* be it enacted, That the Railway Company shall not alter the Level of the River *Tawe* or any Part thereof.

Saving the Rights of the Duke of Beaufort relating to Tolls, &c. on Kilvey Coals.

XL. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend in any Manner whatsoever to deprive the Duke of *Beaufort*, his Heirs, Successors, or Assigns, from receiving the Tolls, Dues, Duties, and Payments for all Coal which hereafter shall be raised in the Manor of *Kilvey* by any Person or Persons whomsoever, Owners or Occupiers of Lands or Grounds within the said Manor, but that the same Coal shall be subject and liable to the Payment of such Duties to the said Duke of *Beaufort*, his Heirs, Successors, and Assigns, as the same are now subject and liable to *per* Wey for every Wey of Coal which shall be raised within the said Manor of *Kilvey* as aforesaid, and which shall be exported to Sea, or carried over the River *Tawe* by means of Bridge or Bridges, Aqueduct or Aqueducts, Viaduct or Viaducts, Railway or other Erection to be erected or built over the said River, by any Means whatsoever, under the Powers of this Act, or to affect, prejudice, alter, abridge, diminish, or take away any Rights, Royalties, Liberties, Franchises, Powers, Jurisdictions, Authorities, Rents, Reservations, or other Tolls, Dues, Duties, Payments, Advantages, Profits, and Emoluments whatsoever of the Duke of *Beaufort*, his Heirs, Successors, and Assigns, within the Seigniories and Manor of *Gower* and *Kilvey*, as Lord or Lords thereof, and in the Ports and Havens thereof, or in or to or over his several Forests, Wastes, Commons, Ways, Woods, Mines, Minerals, and Quarries therein, or to, in, and over his several Rivers, Waters, Watercourses, and Streams within the same, but that the same shall continue and remain to him and them in the same State as if this Act had never passed, any thing herein to the contrary notwithstanding.

XLI. Pro-

Saving the Rights of the Duke of Beaufort to Fisheries, &c.

XLI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, prejudice, alter, abridge, diminish, or take away any of the Rights of the Duke of *Beaufort*, his Heirs and Assigns, in and to the Soil and Fisheries of his several Rivers, Weirs, Waters, Watercourses, and Streams within the Seigniories and Manors of *Gower* and *Kilvey* or either of them, but that the same shall remain and be to him and them in the same State as if this Act had never passed, any thing herein contained to the contrary notwithstanding.

Property of Llanelly Railway, &c. not to be taken without Consent.

XLII. And be it enacted, That nothing in this Act contained shall be deemed or taken to authorize the said Railway Company to take or use any Land belonging to the *Llanelly* Railway and Dock Company, without their Consent.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XLIII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts passed in the Ninth and Tenth Years of the Reign of Her said Majesty respectively intituled *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

XLIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

XLV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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