ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ci.

An Act for making a Railway from *Abercrave Farm* in the Parish of *Ystradgunlais* in the County of *Brecon* to *Swansea* in the County of *Glamorgan*, with Branches, to be called "The *Swansea Valley* Railway." [2d *July* 1847.]

WHEREAS the making of a Railway from *Abercrave Farm* in the Parish of *Ystradgunlais* in the County of *Brecon* to *Swansea*, with Branches to certain Iron and other Works in the Counties of *Brecon* and *Glamorgan*, and to the *Cwmtwrch* Railway in the said Parish of *Ystradgunlais*, would be of great public Advantage: And whereas the Persons hereafter named 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 Provisions of "The Companies Clauses Consolidation Act, 1845," of "The Lands Clauses Consolidation

8 & 9 Vict. cc. 16. 18. and 20. in-

corporated with this Act.

dation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, save as to such of the Provisions thereof (if any) as may be modified by or inconsistent with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, and other Documents, it shall be sufficient to use the Expression "The *Swansea Valley* Railway Act, 1847."

Subscribers incorporated.

III. And be it enacted, That *Charles Russell* M.P., *Frederick Pratt Barlow*, *Archibald Frederick Paull*, *Charles Stevens*, *Stephen Lewis*, *James Alston*, Esquires, and all other Persons and Corporations who have already subscribed or 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 a Railway from *Abercrave Farm* in the Parish of *Ystradgunlais* in the County of *Brecon* to the Town and Harbour of *Swansea* in the County of *Glamorgan*, with Branches to the *Old Rolling Mill* in the Parish of *Lansamlet* in the same County to the *Cwmtwrch* Railway in the Parish of *Ystradgunlais* aforesaid, and to the *Yniscedwyn* Iron Works in the same Parish, with proper Works and Conveniences belonging thereto respectively; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Swansea Valley* 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 herein and in the said last-mentioned Acts contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be Two hundred and twenty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the said Capital shall be divided into Shares of such Number and Amount as the Company may determine.

Calls.

VI. And be it enacted, That Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and that Three Months at the least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

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

Interest not to be paid on Calls paid up.

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

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 hereinbefore 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.

IX. 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 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.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors shall be Five, and the Qualification of each Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

Power to vary the Number of Directors.

XI. And be it enacted, That it shall be lawful for the Company, by Vote of any Ordinary or Extraordinary Meeting, to increase or reduce the Number of Directors, provided that the increased Number do not exceed Seven, and that the reduced Number be not less than Three.

First Directors.

XII. And be it enacted, That *Charles Russell* M. P., *Frederick Pratt Barlow*, *Archibald Frederick Paull*, *Stephen Lewis*, and *James Alston*, Esquires, shall be the first Directors of the Company.

How long first Directors to remain in Office.

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, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XIV. And be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, 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

Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation Act, 1845."

Quorum.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be Three.

First Ordinary Meeting.

XVII. 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.

XVIII. And be it enacted, That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper usually circulated in the County of *Glamorgan*.

Power to make Railway and Branches.

XIX. And be it enacted, That it shall be lawful for the Company to make and maintain the Railway and Branch Railways next hereinafter mentioned, with all proper Wharfs, Basins, Approaches, and Conveniences connected therewith respectively; (that is to say,)

A Railway commencing in the Parish of *Ystradgunlais* in the County of *Brecon*, and terminating at or near the Harbour of *Swansea* in the Parish of *Swansea* in the County of *Glamorgan*:

Also a Branch Railway diverging from and out of the last-mentioned intended Railway in the Parish of *Llansamlet* in the County of *Glamorgan* aforesaid, and terminating at or near to the *Old Rolling Mill* on the *Lower Forest Farm* in the same Parish:

Also a Branch Railway diverging from and out of the said first-mentioned intended Railway in the Parish of *Killybebill* aforesaid, and terminating at or near the *Cwmtwrch* Railway at or near the Wharf on the North Side of the *Swansea* Canal in the Parish of *Ystradgunlais* aforesaid:

Also a Branch Railway diverging from and out of the said first-mentioned intended Railway in the Parish of *Killybebill* aforesaid, and terminating at or near the *Yniscedwyn* Iron Works in the Parish of *Ystradgunlais* aforesaid.

Power to alter the Swansea Vale Railway.

XX. And whereas the Line of the said first-mentioned intended Railway by this Act authorized will communicate with and partly follow the Course of a certain existing private Railway or Tramway known as the *Swansea Vale* Railway; be it therefore enacted, That, subject to the Provisions in this Act, and in the Lands Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845, contained, with reference to the Construction of the Railway by this Act authorized, and the taking and using of Lands for the Purposes thereof, it shall be lawful for the Company and they are hereby authorized and empowered to alter the Levels, and to divert, widen, and improve the Line of the said last-mentioned Railway, or such Part

or

or Parts thereof as may be required for the Purposes of the Railway by this Act authorized to be made, and to appropriate the same to the Purposes of the said last-mentioned Railway; and it shall be lawful for the said Company to purchase and take for the Purposes aforesaid so much of the said *Swansea Vale* Railway and the Lands connected therewith as may be necessary, and as may be or may have been agreed on with the Proprietors of the said Railway, and subject to the Conditions contained in any such Agreement.

Railway to be made according to deposited Plans.

XXI. And whereas Plans and Sections of the said Railway and Branch Railways, and of the Alterations of the *Swansea Vale* Railway by this Act authorized, showing the Lines and Levels thereof respectively, together with Books of Reference to such Plans containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively are intended to pass or be made, have been deposited with the Clerks of the Peace of the Counties of *Brecon* and *Glamorgan*; be it enacted, That the said Railway, Branch Railways, and other Works by this Act authorized shall be made according to the Lines and Levels or Situations thereof as defined upon the said Plans and Sections, and it shall be lawful for the Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Books of Reference as shall be necessary for such Purpose.

Gauge of the Railway.

XXII. And be it enacted, That the Railway and Branch Railways by this Act authorized shall be constructed on a Gauge of Seven Feet, so as to admit of the same being worked continuously with the *South Wales* Railway.

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

XXIII. 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 and Branches; be it enacted, That, on the Application to the Railway Commissioners of any Three or more Owners, Lessees, or Occupiers of any mineral Property or Iron Works in the *Swansea Valley*, and its appearing to the said Railway Commissioners 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 Railway Commissioners, and all necessary Facilities and Accommodations shall be afforded by the Company hereby incorporated, or their Lessees, for the convenient Use thereof.

How Communications with South Wales Rail-

XXIV. And be it enacted, That all Communications between the said Railway and Branch Railways hereby authorized to be made and the *South Wales* Railway, and all Works in or upon the said *South*

way to be made.

South Wales Railway, or upon the Property of the *South Wales* Railway Company, which may be necessary or convenient for effecting any such Communication, shall be subject to the Control and made under the Direction and Superintendence of the Engineer for the Time being of the *South Wales* Railway Company.

South Wales Railway not to be interfered with, except as provided by this Act.

XXV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated, in making, constructing, or maintaining the said Railway, to take or enter upon the Lands or Grounds belonging to the *South Wales* Railway Company, or to alter, vary, or interfere with the said *South Wales* Railway, or any of the Works thereof, further or otherwise than is hereby expressly authorized, without the Consent in Writing of the said *South Wales* Railway Company in every Instance for that Purpose first had and obtained.

For Protection of the Swansea Canal.

34 G. 3. c. 109.

XXVI. 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 *into 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.

As to crossing Canal by the Railway.

XXVII. And be it enacted, That wherever the said Railway or any of the Branch Railways shall be carried over the said Canal by virtue of this Act the Railway Company shall at their own Expence erect, 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 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 such Towing Path under the Bridge shall be in every Case at least Six Feet in Width, and no Part of the Soffit of the Arch of any such Bridge shall come within less than Ten Feet of the Top-water Level of the said Canal, and no Part of any such Arch over the Towing Path shall be less than Seven Feet above the Top-water Level of the said Canal; and at all Times during the Formation of such Bridge, and any future Repairs thereof, the said Company hereby incorporated

rated shall leave an open and uninterrupted navigable Waterway of the Width of Twelve 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.

Penalty for obstructing or impeding Canal.

XXVIII. 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 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.

XXIX. 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 Canal be converted into a Railway, Bridge may be altered.

XXX. 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 always, that such Alteration shall not in any way affect the Level of the said Railway hereby authorized to be made.

Level of River Tawe not to be altered.

XXXI. And whereas the said Railway and Branch 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 nothing in this

this Act contained shall extend to authorize the Company to alter the Level of the said River *Tawe* or any Part thereof.

Railway Company to afford Facilities of Communication with Swansea Canal.

XXXII. 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, Coals, or other Minerals, or any Quarries of Lime, Stone, 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 Railway or Branch Railways hereby authorized to be made, or some or one of them, may intervene between the said Canal and certain of the Land, 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 respects of the Parties requiring the same, where necessary, either over, under, or by the Side of the Railway or Branch 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 Railway or any Branch Railway, or as to the Place where the same should be so carried, 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 in the Manner prescribed by the "Lands Clauses Consolidation Act, 1845."

For Protection of Colliery and Works of Messrs. Walters.

XXXIII. And whereas Messieurs *Thomas* and *William Walters* are the Lessees of a certain Colliery called the *Ynisyeinon Colliery*, near the River *Tawe*, and of a Bridge and Tramroad over the same River near the said Colliery, and it is proper that the said Railway shall interfere as little as may be with the proper working of the said Colliery; be it enacted, That the said Company shall not make their

their said Railway within Ten Yards of any Part of the present Pit, Engine-house, and Boiler at the said Colliery, and shall not in any Manner diminish the existing Waterway of the said River *Tawe*, and shall continue their said Works near the said Colliery so as to cause as little Obstruction or Interruption to the said Colliery as may be; and the said Company shall make to the Proprietors for the Time being of the said Colliery full Compensation for any Obstruction or Interruption that shall be so occasioned.

Company not to deviate in the Direction of the New Cut at Swansea.

XXXIV. And be it enacted, That it shall not be lawful for the Company, in the Construction of that Portion of the Railway firstly herein-before described and authorized which is intended to be situate between certain Enclosures numbered 1. and 9. respectively in the Parish of *Swansea* on the said Plans deposited as aforesaid and the Terminus of the said Railway, to deviate in the Direction of a certain Cut known as the *New Cut* from the centre Line of the said Railway as delineated upon the said Plans, without the Consent in Writing of the Lords Commissioners of the Admiralty for the Time being for that Purpose first had and obtained.

Bridges over the Tawe to be made according to Plans approved of by the Admiralty.

XXXV. And be it enacted, That all Bridges by means of which the Railways by this Act authorized shall be carried over the River *Tawe* shall be constructed according to such Plans and under such Restrictions and Conditions as the Lords Commissioners of the Admiralty for the Time being may approve of, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

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

XXXVI. 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 *Tawey* by means of any Bridge or Bridges, Aqueduct or Aqueducts, Viaduct or Viaducts, Railway or other Erection to be erected or built over or under 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, Jurisdiction, 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 Seignories and Manor of *Gower* and *Kilvey*, as Lord or Lords thereof, and in the Ports and Havens thereof, or in, 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: Provided always, that such Reservation of Rights, Privileges, Powers, and Authorities shall not extend to prevent, hinder, or obstruct the Exercise of the several Powers and Authorities by this Act expressly conferred upon the Company.

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

XXXVII. 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 Seignories and Manors of *Gower* and *Kilvey*, or either of them, further or otherwise than as by this Act expressly authorized, 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.

Ystalyfera Iron Company may construct certain Works.

XXXVIII. And be it enacted, That it shall be lawful for the *Ystalyfera* Iron Company, or the Proprietors, Lessees, and Occupiers for the Time being of the Lands, Mines, Minerals, and Works of which the *Ystalyfera* Iron Company are at present Lessees and Occupiers, at any Time, at their own Expence, to construct any Gate, Bridge, Archway, Tunnel, or Culvert which may be necessary for carrying over or under the Railways by this Act authorized any Tramroad, Railroad, Watercourse, or Drain of the said *Ystalyfera* Iron Company: Provided always, that all such Works as may be necessary for the Purpose aforesaid shall be so carried on and constructed as not to impede or interfere with the Traffic upon the said Railways, or in any Manner to injure the same; and if any Dispute or Difference shall arise as to the Necessity, Construction, Mode of Construction, or Effect of the said Works or any of them, such Dispute or Difference shall be settled by Arbitration in the Manner provided by the "Railways Clauses Consolidation Act, 1845," with reference to the Settlement of Disputes by Arbitration.

Providing for Junction at Claypon's Road.

XXXIX. And be it enacted, That the *Ystalyfera* Iron Company, or their Assigns or Lessees, shall or may at any Time or Times hereafter lay down, make, and maintain, and use, and from Time to Time alter or remove, any Railway or Tramroad across the Branch Railway terminating at or near the *Cwmtwrch* Railway, so as to enable them to communicate from the *Ystalyfera* Iron Works with *Claypon's Road*, or to form a Junction therewith, without Obstruction or Hindrance from or by the Company: Provided always, that such Tramroad or Railway shall be constructed to the Northward of a certain Messuage or Tenement numbered 242 on the Plan of the said Branch Railway in the Parish of *Ystradgunlais*, and that for the Purpose of facilitating such Crossing the whole of that Portion of the said Branch Railway which lies to the Northward of the said Messuage or Tenement shall be so constructed as to admit of the Construction and Use of the said Tramroad or Railway at the Point aforesaid upon a Level with the *Cwmtwrch* Railway: Provided further, that such Railway or Tram-

road shall be so constructed, and the Traffic thereon, and also on the said Branch Railway, shall be so regulated and carried on, as that no unnecessary Inconvenience or Impediment shall be caused to the said Branch Railway, or the said Railway or Tramroad, or to the Traffic upon the same; and if any Dispute shall arise between the *Ystalyfera* Iron Company and the Company hereby incorporated as to the Construction, Mode of Construction, or Use of the said Railway or Tramroad, such Dispute shall be settled by Arbitration in the Manner prescribed by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

Power to cross Roads on the Level.

XL. And be it enacted, That it shall be lawful for the said Company to carry the said Railway and Branch Railways, or any of them, on the Level across the Roads numbered respectively on the Plans deposited as herein-before mentioned as follows; that is to say,

In the Parish of *Lansamlet*, the Roads numbered 89 and 143 respectively:

In the Parish of *Cadoxton-juxta-Neath*, the Road numbered 47:

In the Parish of *Killybebill*, the Road numbered 138 *a*:

In the Parish of *Ystradgunlais*, the Roads numbered 19, 60, and 102 *a* respectively.

Company to erect a Station or Lodge at Points of level Crossing, and to abide by the Regulations of the Commissioners of Railways.

XLI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Land for extraordinary Purposes.

XLII. And be it enacted, That it shall be lawful for the Company to purchase and take any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres.

Period for compulsory Purchase of Lands limited.

XLIII. 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 from the passing of this Act.

Period for Completion of Works.

XLIV. And be it enacted, That the Railway and Branch Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or by the Acts incorporated herewith granted to the Company for executing

executing the Railway and Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same respectively as shall then be completed.

Tolls.

XLV. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway and Branch Railways, and also for the Use of the said *Swansea Vale* Railway, if they shall become Purchasers thereof under the Powers of this Act, 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 Railways 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 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, and 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 Six Pence:

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 Railway and Branches, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage

riage 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.

XLVI. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway and Branch Railways 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.

XLVII. 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 Railway or on any of the said Branch Railways for a less Distance than Five Miles, the Company may demand Tolls and Charges as for Five Miles:

For a Fraction of a Mile beyond Five 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.

XLVIII. 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.

XLIX. And be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railway and Branch Railways, including the Tolls for the Use of the Railway and Branch Bailways, 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.

L. 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 Railway or Branch Railways, and Waggons or Trucks, and locomotive Power, 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.

LI. 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

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.

LII. And be it enacted, That every Passenger travelling upon the Railway 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.

Company to maintain Shipping Places at Swansea.

LIII. And be it enacted, That the said Company shall make and for ever maintain at their Wharf near the Terminus at or near the Harbour of *Swansea* proper and sufficient Shipping Places and Apparatus, with proper Sidings and Approaches, for the shipping and unshipping of Minerals and Goods brought down the said Railway, or landed for the Purpose of being taken up the said Railway; and it shall be lawful for the said Company to charge, in respect of any Goods comprised in the several Classes of Goods herein-before specified which shall be shipped or unshipped at the said Shipping Places, any Sum not exceeding the maximum Charge which the Company are entitled to demand in respect of the Conveyance of such Goods for One Mile by the Railway by this Act authorized.

Power to lease Railway.

LIV. And be it enacted, That it shall be lawful for the Company hereby incorporated, by and with the Authority of Three Fifths of the Proprietors present, personally or by Proxy, at some Ordinary or Extraordinary Meeting of the said Company, to grant a Lease of the Railway, Branch Railways, and Works hereby authorized, and of such other Works as they may become possessed of under the Powers of this Act, or any Part thereof respectively, to the *South Wales* Railway Company and the *Great Western* Railway Company, or either of them, for such Term of Years and on such Conditions as may be mutually agreed on; and it shall be lawful for the said last-mentioned Companies, or either of them, by and with the Authority of Three Fifths of the respective Proprietors of such Company who may be present, personally or by Proxy, at some Ordinary or General, Extraordinary or Special General Meeting, to accept and take such Lease.

Enabling the South Wales and Great Western Companies, or either of them, to purchase the Line or any Interest therein.

LV. And be it enacted, That it shall be lawful for the Company hereby incorporated, by and with the like Authority on the Part of their Proprietors at some Ordinary or Extraordinary Meeting of the said Company, to sell and transfer to the said *South Wales* Railway Company and to the *Great Western* Railway Company, or either of them, and for such last-mentioned Companies, or either of them, by and with the like Authority on the Part of their respective Proprietors, to purchase the Undertaking by this Act authorized, or any Share or Interest therein, and such other Railways and Works as the Company

Company may become possessed of under the Powers of this Act, with all or any of their Powers, Rights, and Privileges in connexion therewith respectively, and whether before or after the Completion thereof (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same); and on the Completion of such Purchase (of which Completion a Transfer or Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase Money, and under the Corporate Seal of the Company hereby incorporated, shall be sufficient Evidence,) the said *South Wales* Railway Company and the said *Great Western* Railway Company, or whichever of them may have effected such Purchase, may have and hold the said Undertaking, or the Share therein purchased by them, and use, exercise, and enjoy, or participate in the Use, Exercise, and Enjoyment of all or any of the Rights, Powers, and Privileges conferred by this Act on the said Company hereby incorporated.

Power for Companies to raise Capital.

LVI. And be it enacted, That for such last-mentioned Purpose it shall be lawful for the said *South Wales* Railway Company and *Great Western* Railway Company, or either of them, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares, and to borrow upon Mortgage such Sum of Money as may be necessary for completing such Purchase, or for constructing and working the said Undertaking, provided the Amount to be raised by such additional Shares shall not exceed the Amount of Capital by this Act authorized to be raised for the Purposes of the said Undertaking; and that the Money so to be borrowed shall not exceed One Third the Amount of such Capital, and shall not be borrowed until the whole of the said Capital shall have been subscribed, and One Half thereof paid up; and from and after such Purchase as aforesaid, if any such shall take place by either of the last-mentioned Companies separately and apart from the others of them, the Railways by this Act authorized to be made or purchased, or such Part thereof as may be so purchased by such Company, shall from thenceforth be and become amalgamated with and form Part of the Undertaking belonging to such Company.

Interest not to be paid on Calls paid up.

LVII. Provided always, and be it enacted, That it shall not be lawful for the said *South Wales* and *Great Western* Railway Companies or either of them, out of any Money by this Act or any other Act relating to the said last-mentioned Companies or either of them 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 said new Shares held by him in the Capital by this Act authorized to be raised by such Companies or either of them: Provided always, that nothing herein-before contained shall be deemed to prevent the said Companies or either of them 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," or in the existing Acts relating to the *Great Western* Railway Company in that Behalf contained.

LVIII. And

Power to enter into Contracts with other Companies.

LVIII. And be it enacted, That it shall be lawful for the Company hereby incorporated, and for the said *South Wales* Railway Company and the said *Great Western* Railway Company, or either of them, or the Directors of the said Companies respectively, to make and enter into such Contracts or Agreements for effecting the Purposes aforesaid as they the said Companies may respectively deem advisable.

Powers of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

LIX. Provided always, and be it enacted, That it shall not be lawful for the said Company hereby incorporated, by virtue of the Power herein-before contained, to sell, demise, or lease, nor for the said *South Wales* and *Great Western* Railway Companies, or either of them, to purchase or rent, the said Railways hereby authorized to be made or purchased, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal, previously to the Completion of such Sale or the Execution of such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to the Company hereby incorporated and to the *South Wales* Railway Company authorized to be raised (so far as relates to the purchasing or renting of the said Railways by the *South Wales* Railway Company), and that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to the Company hereby incorporated and to the *Great Western* Railway Company authorized to be raised (so far as relates to the purchasing or renting of the said Railways by the *Great Western* Railway Company), has been actually paid up, and expended for the Purposes authorized by such Acts or Act respectively.

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.

LX. 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 Mails by Railway;* and another Act was passed in the Fourth Year of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present 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 any succeeding Session of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Session held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *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 of the Railway and Company so far as the same shall be applicable thereto.

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

LXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway and Branch Railways 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

now in force or which may hereafter pass during the present 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. LXII. 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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