CHAPTER cxciv.

An Act for incorporating the Usk Valley Railway Company and authorising them to construct a railway in the counties of Monmouth and Brecon and for other purposes. [2nd August 1898.] A.D. 1898.

WHEREAS the making and maintaining of the railways herein-after described would be of public and local advantage:

And whereas the persons in this Act named with others are willing to carry the undertaking into execution on being incorporated into a company for the purpose and the necessary powers being conferred upon them:

And whereas it is expedient that the Company and any company lawfully using their railway be empowered to run over and use the portion of railway herein-after in that behalf mentioned:

And whereas it is expedient that the Company should be authorised subject to the provisions of this Act to pay interest upon the amount paid up from time to time in respect of shares in their capital as by this Act provided:

And whereas plans and sections showing the lines situation and levels of the railways authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Monmouth and with the clerk of the peace for the county of Brecon respectively in the month of November one thousand eight hundred and ninety-seven and are herein-after referred to as the deposited plans sections and book of reference:

And whereas since the deposit of the said plans sections and book of reference a deviation of a portion of Railway No. 1 in this Act described has been deemed expedient and a plan and section of such deviation and also a book of reference containing the names of the owners and lessees or reputed owners and lessees

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and of the occupiers of the lands required or which may be taken for the purposes of such deviation were deposited with the clerk of the peace for the county of Brecon in the month of May one thousand eight hundred and ninety-eight and are herein-after referred to as the amended plan section and book of reference respectively:

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

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

Short title.

1. This Act may be cited as the Usk Valley Railway Act 1898.

Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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

The expression "the Company" means the Company incorporated by this Act;

The expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Company incorporated.

4. Edmund Lyons Evan Thomas Samuel Hood Cowper Coles Frank Arnold Hull Terrell and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Usk Valley Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

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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 as altered by the amended plan and section the railways herein-after described with all proper bridges viaducts stations sidings approaches junctions roads buildings yards works and conveniences connected therewith and incidental thereto respectively and may enter upon take and use such of the lands delineated on the deposited plans and described in the books of reference deposited therewith as may be required for the purposes of this Act The railways herein-before referred to and authorised by this Act will be situate in the counties of Monmouth and Brecon and are—

(1) Railway No. 1 17 miles 1 furlong and 1 chain in length commencing in the parish of Llantilio Pertholey in the county of Monmouth by a junction with the Newport Abergavenny and Hereford branch of the Great Western Railway two hundred and twenty yards or thereabouts north of the booking office at Abergavenny Junction Station and terminating in the parish of Llanfihangel-Talyllyn in the county of Brecon by a junction with the Mid Wales Railway fifty yards or thereabouts south-west of the northern corner of the enclosure numbered 172 upon the 25-inch Ordnance map published in the year one thousand eight hundred and eighty-seven of that parish :

Provided that the portion of the said Railway No. 1 to be deviated as aforesaid shall be made and maintained in the line and according to the levels shown on the amended plan and section :

(2) Railway No. 2 1 furlong 7·2 chains in length wholly in the parish of Llantilio Pertholey in the county of Monmouth commencing by a junction with the Railway No. 1 before described in the inclosure numbered 1173 upon the 25-inch ordnance map published in the year one thousand eight hundred and eighty-one of such parish forty yards or thereabouts north of the south-western corner of such inclosure and terminating by a junction with the Newport Abergavenny and Hereford branch of the Great Western Railway six hundred and seventy yards or thereabouts north of the booking office at Abergavenny Junction Station :

(3) Railway No. 3 2 furlongs in length wholly in the parish of Llangasty-Talyllyn in the county of Brecon commencing by a junction with Railway No. 1 before described at or near the northern side of the road leading from the Tygwyn Farm to Glan-y-llyn and Llangorse Lake two hundred and twenty

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yards or thereabouts north-east of the bridge carrying the Brecon and Merthyr Tydfil Junction Railway over such road at Tygwyn Farm in such parish and terminating by a junction with the Brecon and Merthyr Tydfil Junction Railway five hundred and twenty yards or thereabouts north of the bridge carrying such railway over the road at Tygwyn Farm.

For protection of Great Western Railway Company.

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

(1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that company or execute any works whatever upon under over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference of an engineer to be appointed by the Board of Trade and should it be necessary in constructing the said Railways Nos. 1 and 2 or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them the Company shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor:

(2) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railways by this Act authorised over and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger

and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise:

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

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

(5) Except for the purpose of the junctions of Railways Nos. 1 and 2 with the Great Western Railway and which junctions or the substituted junctions herein-after referred to are to be maintained and worked at the expense and risk of the Company the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the railways by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western

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Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such junctions or otherwise the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment and the Great Western Company may at any time or times hereafter should it be necessary for them to do so alter or remove the junctions by this Act authorised of Railways Nos. 1 and 2 with their railway or either of these junctions and substitute a new junction or junctions therefor but so as such alteration or removal or substituted junction or junctions as the case may be shall not stop the traffic of the Railways Nos. 1 and 2 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or junctions or the substituted junction or junctions as the case may be or the signals works and conveniences connected therewith :

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

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

Limiting quantity of land which

7. The quantity of land which may be taken by the Company from the reputed common or commonable lands next herein-after

mentioned for the purposes of the railways shall not exceed the quantities mentioned in connexion with such lands:—

may be taken from certain common.

Work for which Land required.	Name of Common.	Parish.	Estimated Quantity to be taken.
Railway No. 1 -	Llangasty-Talyllyn	Llangasty-Talyllyn	A. R. P. 0 1 15

Capital.

8. The capital of the Company shall be one hundred and thirty-two thousand pounds in thirteen thousand two hundred shares of ten pounds each.

Shares not to be issued until one-fifth paid.

9. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Calls.

10. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

11. If any money be payable to a shareholder or mortgagee or debenture stockholder 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.

12. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty-four thousand pounds in respect of the capital of one hundred and thirty-two thousand pounds by this Act authorised but no part of any such sum shall be borrowed until the whole of the said capital is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that

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such persons 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 shall be sufficient evidence thereof.

For appointment of a receiver.

13. The mortgagees of the undertaking 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 arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than four thousand pounds in the whole.

Debenture stock.

14. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

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

First and subsequent ordinary meetings.

16. The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of February or March and August or September as the directors may appoint.

Number of directors.

17. The number of directors shall be seven but the Company may from time to time reduce and again increase the number provided that the number be not less than three or more than seven.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum.

19. The quorum of a meeting of directors shall be three.

First directors.

20. Edmund Lyons Evan Thomas Samuel Hood Cowper Coles Frank Arnold Hull Terrell and three other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extraordinary purposes.

21. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed in the whole five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Period for compulsory purchase of lands.

22. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to cross certain roads on the level.

23. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

Number on deposited Plans.	Parish.	Description of Road.
	RAILWAY No. 1.	
35	Llanwenarth Citra - - -	Public.
3	Llangenny - - - -	Public.
11	Crickhowell - - - -	Public.
23	Crickhowell - - - -	Public.
38	Crickhowell - - - -	Public.
7	St. Michael Cwmdu - - -	Public.
25	St. Michael Cwmdu - - -	Public.
47	St. Michael Cwmdu - - -	Public.

Inclination of roads.

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

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
19	Llantilio Pertholey - -	Public - -	1 in 13.
1	Abergavenny Urban -		
2A	Llanwenarth Citra - -	Public - -	1 in 10.
90	St. Michael Cwmdu -	Public - -	1 in 6.

Height and span of bridges.

25. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on deposited Plans.	Parish.	Description of Road.	Height.	Span.
			Feet.	Feet.
66	St. Michael Cwmdu -	Public - -	15	15
69	St. Michael Cwmdu -	Public - -	15	15
90	St. Michael Cwmdu -	Public - -	15	15
61	Llangasty-Talyllyn -	Public - -	15	15

Widths of certain roadways.

26. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on deposited Plans.	Parish.	Description of Roadway.	Width of Roadway.
18	Llangenny - -	Public - -	15 feet.
115A	St. Michael Cwmdu -	Public - -	20 feet.
118A	St. Michael Cwmdu -	Public - -	20 feet.

Power to take easements &c. by agreement.

27. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For protection of owner of "the Chapel" property.

28. The following provisions shall unless otherwise agreed in writing under seal have effect for the protection of James Berry Walford and his heirs and assigns (herein-after referred to as "the owner") :—

Notwithstanding anything in the Lands Clauses Acts or in this Act contained if the Company shall give notice to treat

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for any part of the property known as "the Chapel" in the parish of Abergavenny Urban in the county of Monmouth portions of which property are delineated on the deposited plans and described in the deposited book of reference and thereon and therein numbered 13 14 15 in the said parish of Abergavenny Urban for the purposes of this Act the owner may require the Company to purchase and the Company shall in that case purchase the whole of such property.

For protection of London and North Western Railway Company.

29. Notwithstanding anything in this Act contained the Company shall not acquire any land or property of the London and North Western Railway Company without having previously obtained their consent in writing under their common seal.

For protection of Monmouthshire County Council.

30. For the protection of the county council of the county of Monmouth (in this section called "the council") the following provisions shall unless otherwise agreed between the Company and the council be observed and have effect (that is to say):—

(A) In constructing the Railway No. 1 by this Act authorised the Company shall where the same is carried over the old Hereford main road numbered 5 in the parish of Abergavenny Urban on the deposited plans carry the same by means of a bridge of a clear width between the abutments of not less than twenty-five feet and a clear headway throughout the whole width of the roadway of not less than fifteen feet above the level of the road:

(B) Such bridge shall be constructed so as to prevent as far as reasonably can be the dripping of water on the road or path beneath and the parapets or screens of the said bridge shall not be less than four feet six inches high above the level of the top of the rails and shall extend for three yards on either side of the face of the abutment of the bridge:

(C) All works required to be executed under the provisions of this section and all works in any way affecting any roads or footpaths under the management and jurisdiction of the council shall be executed at the cost in all things of the Company to the reasonable satisfaction and in accordance with plans sections and specifications to be previously approved of in writing under the hand of the county surveyor Provided that if approval or disapproval thereof be not signified within fourteen days after the same shall have been left at the office of the said county surveyor the council shall be deemed to have approved thereof:

(D) If any difference arise between the Company and the council under or in relation to any provision of this section such

difference shall be determined by an engineer to be nominated by the President of the Institution of Civil Engineers upon the application of the Company or the council.

For protection of Robert Raikes and Robert Taunton Raikes.

31. For the protection of Robert Raikes and Robert Taunton Raikes or other the owner or owners for the time being of the estate known as Treberfydd House in the parish of Llangasty-Talyllyn (herein-after called "the owners") the following provisions shall have full force and effect:—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not construct so much of Railway No. 1 by this Act authorised as would be situate between the points marked on the deposited plans as thirteen miles two furlongs and sixteen miles two furlongs from the commencement thereof in the line shown on the deposited plans but the said portion of railway shall be constructed in the line and according to the levels shown upon the amended plan and section but so that no part of the said portion of railway or works where it passes through the said estate shall be nearer to Treberfydd House than the centre line of railway shown upon the amended plan:

(2) Where the railway will intersect the line of pipes whereby spring water is now conducted to Treberfydd House the Company shall construct a suitable covered reservoir or tank containing not less than ten thousand gallons for the use of the owners on one side of the railway cutting at some point to be agreed between the Company and the owners and the Company shall construct or lay down a line of pipes to conduct into the said covered reservoir or tank the spring water now flowing along the existing pipe to be intersected or which may be found or collected in the cutting:

(3) All surface or other water found or collected in the said cutting except as aforesaid shall be conducted by the Company in suitable channels or pipes to the existing reservoir on the property of the owners:

(4) A line of pipes shall be laid and maintained by the Company from the said covered reservoir or tank for conducting the water therefrom to the point on the property of the owners where the said pipe now carrying spring water to Treberfydd House will be intersected by the north-eastern boundary of the land to be taken by the Company or at some other point to be agreed between the owners and the Company:

(5) Where the railway will pass through the property of the owners and the surface of the ground on the lower or

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north-eastern side of the cutting shall be less than eighteen feet in height above the level of the rails the Company shall if required by the owners make up the surface of such ground to a vertical height of eighteen feet by forming a raised bank on the surface of the ground.

For protection of Captain Lovelace Stamer and Robert William Kennard.

32. Unless otherwise agreed in writing between the Company and Captain Lovelace Stamer the owner and Robert William Kennard lessee of property in the parish of Abergavenny liable to be taken for the purposes of Railway No. 1 herein-before described the following provision shall apply and have effect (that is to say):—

The centre line of the railway where it passes through the property of the said Captain Lovelace Stamer shall not be deviated to the northward of the centre line delineated on the deposited plans.

As to the Great Hill Estate.

33. For the protection of Anna Maria Suche or other the owner or owners for the time being of the property known as "the Great Hill" in the parish of Abergavenny (in this section called "the owner") the following provisions shall unless otherwise agreed between the Company and the owner have effect (that is to say):—

(1) The Company shall if they require to take for the purposes of this Act any part of the said property purchase and take under the provisions of this Act the whole of the enclosures numbered 286 287 288 289 290 291 292 295 296 and 363 on the $\frac{1}{2500}$ Ordnance survey map of the parish of Abergavenny and those parts of the enclosures numbered 297 and 375 on the said map which lie to the northward of a straight line drawn in continuation of the southern boundary of the said enclosure No. 289 to the eastern boundary of the said property:

(2) If the purchase money and compensation payable in respect of the said property be not settled by agreement the owner may claim from the Company compensation under the provisions of the Lands Clauses Acts in respect of any loss that may be sustained by reason of any part of the said property being or remaining untenanted for any portion of the period between the passing of this Act and the exercise by the Company of compulsory powers of purchase and the arbitrator or jury in assessing the amount of the purchase money and compensation payable in respect of the said property shall also award compensation in respect of such loss.

For protection of Richard

34. The following provisions unless otherwise agreed under seal shall have effect for the protection of Richard Baker-Gabb or

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Baker-Gabb the owner of "the Chain" property.

other the owner for the time being of the property known as "the Chain" in the parish of Abergavenny Urban in the county of Monmouth a portion of which property is delineated on the deposited plans and described in the deposited book of reference and thereon and therein numbered 16 in the said parish of Abergavenny Urban (herein-after in this section referred to as "the owner"):—

(1) Notwithstanding anything in the Lands Clauses Acts contained if the Company give notice to treat for any part of the said property the owner may require the Company to purchase and the Company shall in that case purchase the whole of the freehold and leasehold interest of the owner in the said property:

(2) If the Company shall purchase such interest the owner shall be entitled (as an addition to the purchase money) to compensation for all damage inconvenience expense loss and injury of whatever nature which he may sustain by reason or in consequence of his removal from the residence on the said property the amount of such purchase money and compensation to be determined in case of disagreement in manner provided by the Lands Clauses Acts:

(3) The Company shall not enter upon take or use any portion of the said property until the full sum payable to the owner with all costs has been ascertained and paid:

(4) The Company shall out of the first capital raised by them pay the owner all costs charges and expenses of the owner of and incidental to his opposition to the Bill for this Act in its passage through Parliament and to the preparation and insertion of this section.

Restriction on taking houses of labouring class.

35.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of

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thirty shillings a week and the families of any such persons who may be residing with them.

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

36. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of six thousand one hundred and sixty-six pounds thirteen shillings being five per centum upon the amount of the estimate in respect of the railway has been transferred to the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act and such sum is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

37. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof

or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of works.

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

Classification of merchandise traffic and maximum rates and charges applicable to Company.

39. The classification of merchandise traffic and the schedule of maximum rates and charges applicable thereto including perishable merchandise by passenger train and the regulations and provisions contained in the schedule Part I. Scale III. to the Great Western Railway Company (Rates and Charges) Order 1891 (which Order is scheduled to and confirmed by the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the said Order Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Tolls for use of railway.

40. The Company may demand and take in respect of the use of the railway by any other company or person with engines and carriages such reasonable tolls as they think fit.

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Charges for small parcels.

41. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight conveyed on the railway by passenger train (other than perishable merchandise exceeding fifty-six pounds in weight) notwithstanding anything in this Act the Company may demand and take any charges not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Maximum rates for passengers.

42. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say) :—

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

For every passenger conveyed in a third-class carriage one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Passengers' luggage.

43. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Foregoing charges not to apply to special trains.

44. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

Running powers.

45. When the junction of Railway No. 3 by this Act authorised with the Brecon and Merthyr Tydfil Junction Railway and all such works and conveniences as may be reasonably necessary in connexion therewith for the accommodation and exchange of traffic have been executed by or at the cost of the Company the Company and any company or persons lawfully working or using the railways of the Company or any part thereof by agreement or otherwise may run over and use with their engines carriages waggons officers and servants for the purposes of traffic of every description—

So much of the Brecon and Merthyr Tydfil Junction Railway as is or shall be situate between the said junction therewith of Railway No. 3 by this Act authorised and Talyllyn including the use of the Talyllyn Station:

Together with any other stations roads platforms points signals water water engines engine sheds standing room for engines booking and other offices warehouses sidings junctions machinery works and conveniences of or connected with the said portion of railway.

Terms of such user.

46. The terms and conditions and regulations to be observed and fulfilled and the tolls rates charges rent or other consideration to be paid by the Company or any such other company or persons as aforesaid for and in respect of the use of the said portion of railway stations sidings works and conveniences shall be such as are from time to time agreed upon between the general managers of the railway companies interested 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 of the companies or parties interested.

Byelaws to be observed.

47. In running over and using the said portion of railway and in using the stations sidings and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Traffic facilities.

48. The Company and the Brecon and Merthyr Tydfil Junction Railway Company shall respectively afford to each other every facility for passenger traffic and any difference respecting such facilities or the absence thereof which the traffic managers of the

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two companies fail satisfactorily to arrange shall be settled by an arbitrator to be appointed on the application of either company by the Board of Trade.

Station for exchange of traffic and facilities over Cambrian railways.

49. The Company shall unless otherwise agreed with the Cambrian Railways Company erect at their own expense and afterwards maintain at or near the junction of Railway No. 1 by this Act authorised with the Mid Wales Railway of the Cambrian Railways Company a station sidings and other works suitable for the accommodation and exchange of passenger and merchandise traffic and the Cambrian Railways Company shall allow all necessary arrangements for that purpose to be made and afford all reasonable facilities and perform all necessary services for the passage reception delivery and transmission of traffic from to and over the railway of the Company to from and over the railways of the Cambrian Company and also make provision for through booking and invoicing and all other matters necessary for facilitating the traffic of the Company :

The Cambrian Railways Company shall cause all such passenger trains as may be from time to time reasonably required to stop at the new station to be erected by the Company as aforesaid and shall carry forward and deliver by such trains such through carriages as may be reasonably required Any difference between the Company and the Cambrian Railways Company respecting the intent and meaning of this section or the compliance or failure to comply therewith shall be decided by an arbitrator to be appointed under the provisions of the Railway Companies Arbitration Act 1859.

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

50. During the exercise of the running powers by this Act conferred the railways of the Company and of the Brecon and Merthyr Tydfil Junction Railway Company shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the Brecon and Merthyr Tydfil Junction Railway or any other railway for a less distance than three miles rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on the Brecon and Merthyr Tydfil Junction Railway or any other railway the Company shall be deemed to be a company connected with the Great Western Railway Company and specified in Part I. Scale III. to the appendix to the schedule to the Great Western Railway Company (Rates and

Charges) Order confirmed by the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891.

Power to pay interest out of capital during construction.

51. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed six thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise 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.

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

52. 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.

53. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

54. 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.

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