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ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

***

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

mons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of the said "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and the "Railways Clauses Consolidation Act, 1845," shall, in so far as the same are not modified by or inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Vale of Neath* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *Henry Thomas*, *Louis Vigurs*, *James Wittil Lyon*, *Robert Frederic Gower*, 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 the *South Wales* Railway at or near the Town of *Neath* in the County of *Glamorgan*, to or near the Town of *Merthyr Tydfil* in the same County, together with Branch Railways therefrom to the *Aberdare* Railway and to *Penderyn* in the said County, and also to certain Collieries and other Works or Places herein-after mentioned, with proper Works and Conveniences belonging thereto and connected therewith, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Vale of Neath* 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 recited Acts contained.

Capital.

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

Number and Amount of Shares.

V. And be it enacted, That the said Capital shall be divided into Twenty-seven thousand five hundred Shares, and the Amount of each Share shall be Twenty Pounds.

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 Three Months at the least shall be the Interval between successive Calls.

Extent and Liability of Shareholders.

VII. And be it enacted, That no Shareholder of the Company shall be liable for or charged with the Payment of any Debt or Demand due from the Company beyond the Extent of his Share in the Capital of the Company then paid up.

Interest to be paid on Calls until Railway completed.

VIII. And be it enacted, That it shall be lawful for the Directors of the Company, until the Railway shall be completed and opened to the Public, to pay Interest, at any Rate not exceeding Four Pounds *per Centum per Annum* in respect of the Deposits and Calls paid on every Share from the Day on which such Deposits and Calls shall have been

been so paid, such Interest to accrue and be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of such Share, or of any other Share held by the same Proprietor, during the Period while such Call shall remain unpaid.

Power to borrow Money on Mortgage.

IX. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred and eighty-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 Five hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors shall be Eleven, and the Qualification of a 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 to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twelve, and that the reduced Number be not less than Eight.

First Directors.

XII. And be it enacted, That *Frederick Pratt Barlow*, *Robert Frederic Gower*, *Henry John Grant*, *David Lewis*, *William Meyrick*, *Morgan Morgan*, *Henry Thomas*, *Nash Vaughan Edwards Vaughan*, *Louis Vigurs*, and the Honourable *George Augustus Frederick Villiers* commonly called Viscount *Villiers*, shall be the first Directors of the Company.

First Ordinary Meeting.

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

Election of Directors at first Ordinary Meeting.

XIV. 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, 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, or 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.

XV. 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 contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until

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

Quorum of Directors.

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

Committees of Directors.

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

Newspapers for Insertion of Advertisements.

XVIII. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be a Newspaper published in the County of *Glamorgan*, and a Newspaper circulating in the District within which the Company's principal Place of Business shall be situated.

Railway to be made according to deposited Plans.

XIX. And whereas Plans and Sections of the Railway showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Clerks of the Peace of the Counties of *Glamorgan* and *Brecon*; be it enacted, That, subject to the Provisions in this and the recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XX. And be it enacted, That the said Railway shall commence by a Junction with the *South Wales* Railway at or near to the Town of *Neath* in the County of *Glamorgan*, and shall terminate at or near the Town of *Merthyr Tydfil* in the same County.

First Branch.

XXI. And be it enacted, That one of the said Branch Railways shall commence from and out of the said first-mentioned intended Line of Railway, at or near to a Place called *Blaengwrach* in the Parish of *Glyncorrwg* in the County of *Glamorgan*, and shall terminate near to the Wharfs or Yards of the Collieries of *Pwllfaron* in the Parish of *Cadoxton-juxta-Neath* in the said County of *Glamorgan*.

Second Branch.

XXII. And be it enacted, That another of the said Branch Railways shall commence from and out of the said first-mentioned intended Line of Railway, at or near to a Place called *Clyn-y-bont* otherwise *Blaengwrach*, in the said Parish of *Glyncorrwg*, and shall terminate at or near Two several Places called *Maesmarchog* and the *Dinas* Tramroad at *Abernant*, in the said Parish of *Cadoxton-juxta-Neath*.

Third Branch.

XXIII. And be it enacted, That another of the said Branch Railways shall commence from and out of the said first-mentioned intended Line of Railway, at or near to a Place called *Hirwain*, in the

the Parish of *Penderyn* in the County of *Brecon*, and shall terminate at or near the Limestone Rocks to the North of the *Lamb* Inn in the said Parish of *Penderyn*.

Fourth Branch.

XXIV. And be it enacted, That another of the said Branch Railways shall commence from and out of the said first-mentioned intended Line of Railway, at or near a Place called *Gellytarw*, in the said Parish of *Penderyn*, and shall terminate at or near the intended Terminus of the *Aberdare* Railway, as at present authorized to be made, near the Village of *Aberdare* in the said Parish of *Aberdare* in the said County of *Glamorgan*.

Junction with South Wales Railway to be under the Direction of their Engineer.

XXV. And be it enacted, That the Line of Railway at the Junction with the *South Wales* Railway, and all such Openings in the Ledges or Flanches of the said *South Wales* Railway as may be necessary or convenient for effecting such Junction, shall be made and effected according to Plans to be prepared by and under the Direction and Superintendence of the Engineer for the Time being of the *South Wales* Railway Company; and in case of any Difference of Opinion as to the Mode of effecting such Junction, then such Difference shall be referred to the Decision of the Board of Trade.

The Works of the South Wales Railway not to be interfered with.

XXVI. 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 to take or enter upon any of the Lands or Grounds belonging to the *South Wales* Railway Company, further or otherwise than is hereby expressly authorized, or to alter, vary, or interfere with the said *South Wales* Railway, or any of the Works thereof respectively, without the Consent in Writing of the said *South Wales* Railway Company in every Instance first had and obtained.

Saving the Rights of the South Wales Railway Company.

XXVII. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *South Wales* Railway Company, but saving and reserving to such Company all the Rights, Privileges, and Franchises to them respectively belonging, and also saving and reserving all such Powers, Authorities, and Provisions in the several Acts relating thereto respectively, as if this Act had not been passed.

Land for extraordinary Purposes.

XXVIII. And be it enacted, That it shall be lawful for the Company, and they are hereby authorized, to purchase and hold any Quantity of Land for extraordinary Purposes not exceeding Thirty Acres.

Compulsory Purchase of Lands limited.

XXIX. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purpose of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXX. And be it enacted, That the Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration

tion of such Period the Powers by this or the recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Certain Roads may be crossed on the Level.

XXXI. And be it enacted, That, subject to the Provisions of the said "Railways Clauses Consolidation Act," it shall be lawful for the Company, in the Construction of the Railways by this Act authorized, to carry the said Railways across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows, (that is to say,) Nos. 113 and 201 in the Parish of *Llantwit-juxta-Neath*, No. 24 in the Parish of *Glyncorrwg*, Nos. 55, 83, and 217 in the Parish of *Penderyn*, and Nos. 26, 49, and 174 in the Parish of *Aberdare*.

Station or Lodge at Points of Crossing.

XXXII. 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 Railway shall cross on the Level any of the before-mentioned Roads.

Company not to take certain Lands of Taff Vale Railway without Consent.

XXXIII. And be it enacted, That nothing herein contained shall empower the Company hereby incorporated to take or use any of the Lands of the *Taff Vale* Railway Company, numbered 80 in the said Plans in the Parish of *Merthyr Tydfil*, being the terminal Station of the said Company, without the Consent in Writing of the said Company first had.

Prescribing Dimensions of Bridge over the Taff Vale Railway.

XXXIV. And whereas the Railway hereby authorized is intended to be carried over the Main Line of the *Taff Vale* Railway in the said Parish of *Merthyr Tydfil*; be it enacted, That the Bridge to be erected for that Purpose over the *Taff Vale* Railway shall be built in conformity with the following Regulations; (that is to say,) the Width of the Arch shall be such as to have thereunder a clear Opening on the Square of Twenty-six Feet, and the clear Height of the Arch from the Surface of the Railway shall not be less than Fifteen Feet to the springing of the Arch, and Eighteen Feet to the Crown of the Arch; and the Width of the said Bridge shall be limited to the Space required for carrying over the said *Taff Vale* Railway a double Line of Railway.

Line of the Taff Vale Railway not to be altered.

XXXV. And be it enacted, That in the Execution of any of the Powers of this Act the Company hereby incorporated shall not vary the Line or Course or Elevation of the *Taff Vale* Railway, or alter or interfere with any of the Works thereof, or impede or interrupt the Traffic thereon.

If Traffic on the Taff Vale Railway interfered with Damages to be made good.

XXXVI. And be it enacted, That if by reason of any of the Works or Proceedings of the Company hereby incorporated any Interruption shall be occasioned to the Traffic on the said *Taff Vale* Railway by reason of any of the Operations of the Company hereby incorporated, or of their Officers, Servants, or Workmen, or other Persons acting under their Authority, the said Company shall pay to the said *Taff Vale* Railway Company the Sum of Twenty Pounds

per

per Hour, by way of Penalty, for every Hour during which such Interruption shall continue, and shall in addition repay to the said last-mentioned Company all Costs and Expences to which they may be put by reason of such Interruption, as well as full Compensation for the Inconvenience sustained by them by reason thereof.

Prescribing Limits of Deviation through certain Lands in the Parish of Merthyr Tydfil.

XXXVII. And be it enacted, That, in making so much of the Railway hereby authorized as is intended to pass through the Lands numbered 80[a] in the Parish of *Merthyr Tydfil*, it shall not be lawful for the Company hereby incorporated to deviate the Line or Course of the said Railway to the Northwards, as laid down on the Plans and Sections thereof deposited with the Clerks of the Peace of the Counties of *Glamorgan* and *Brecon*, to any greater Extent than Five Yards; and that after crossing the said *Taff Vale* Railway in the Manner herein-before provided, the said Railway hereby authorized shall be carried on Two Arches of such a Width as to leave a clear Span thereunder of not less than Twenty-six Feet on the Square, and a clear Height from the Surface of the Ground of not less than Fifteen Feet to the springing of the Arches, and Eighteen Feet to the Crown thereof.

Saving Rights of Neath Navigation Company.

XXXVIII. And be it enacted, That nothing in this Act shall take away, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Company of Proprietors of the *Neath* Canal Navigation, except as herein expressly provided, or authorize the Railway Company to alter the *Neath* Canal as to its Line or Level, or in any other respect, or the Towing Path thereof or any Part 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 carrying therefrom the waste Water, or otherwise connected with the Canal.

Bridges to be made over Neath Canal.

XXXIX. And be it enacted, That wherever the Railway or any of the Branch Railways shall be carried over the *Neath* Canal the Railway Company shall, at their own Expence, make, and at all Times for ever thereafter maintain and keep in perfect Repair, a good and substantial Bridge over such Canal and the Towing Path thereof, with proper Approaches, and that the Span of every such Bridge between the Abutments thereof shall be at least Thirty Feet in the clear, so as to include the Canal and the Towing Path thereof, and that such Towing Path under the Bridge shall be in every Case at least Nine Feet in Width, and that the Centre of the Soffit of the Arch of any such Bridge shall not be less than Ten Feet from the Top-water Level of the said Canal, and that no Part of any such Arch over the Towing Path shall be less than Six Feet above the Top-water Level of the said Canal.

Canal not to be obstructed.

XL. And be it enacted, That during the Erection of such Bridges or any of them, and at all future Times during any Repairs thereof, no Obstruction shall be occasioned to the Navigation of the *Neath* Canal, but that at all Times during such Erections or Repairs a Waterway of not less than Ten Feet in Width, a Towing Path of not less

less than Four Feet in Width, and a clear Height of not less than Seven Feet from the Top-water Level of the said Canal, shall be kept for the Navigation thereof.

If Canal obstructed Company to make good the Damage.

XLI. 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 *Neath* Canal shall be obstructed or impeded, or in case the Space under any such Bridge shall at any Time be contracted so as to be less in Width or Height than is herein-before prescribed, then and in any of the said Cases the Railway Company shall pay to the said *Neath* Canal Company, as ascertained Damages, the Sum of Two Pounds for every Half Hour during which any such Obstruction or Contraction shall continue on the Canal: Provided always, that if such Obstruction or Contraction shall continue beyond Seventy-two consecutive Hours, or shall have been occasioned by any wilful Act on the Part of the Railway Company or their Agents or Servants, then and in every such Case the Railway Company shall pay to the said *Neath* Canal Company the further Sum of Two Pounds for every Half Hour during which the Obstruction shall continue, as ascertained Damages; and the *Neath* Canal Company 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*.

Bridge over Neath Canal to be kept in repair.

XLII. And be it enacted, That in case any such Bridge over the *Neath* Canal or any Part thereof, or the Approaches thereto, or any Part thereof, shall not be kept in good and substantial Repair, it shall be lawful for the *Neath* Canal Company to do the needful Repairs, and 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*.

Facilities to be afforded for making private Branch Railways to the Canal.

XLIII. And whereas, under the Acts relating to the *Neath* Canal, or one of them, certain Powers are reserved or given to the Owners of or Persons interested in Mines, Works, and Lands, or to the *Neath* Canal Company, to form Cuts, Canals, Railways, or Roads not exceeding a certain Length therein specified, in order to communicate with the *Neath* Canal: And whereas the Railway or Branch Railways may intervene between the *Neath* Canal and some of the Mines, Works, or Lands in respect of which such Powers are reserved or given; be it enacted, That in the event of any such Persons, or the *Neath* Canal Company, being desirous to make or to procure to be made any such Cuts, Canals, Railways, or Roads to communicate with the *Neath* Canal, the Railway Company shall afford all requisite and proper Facilities for the Formation thereof where necessary, by and at the Expence of any such Persons or of the *Neath* Canal Company, either over, under, across, or by the Side of the Railway or Branch Railways, but so as not to interfere with the Railway or Branch Railways, or the Traffic along the same, or any of the Works connected therewith; and if any Difference shall arise between the Railway Company

Company and any Persons so desirous to make or procure to be made any such Cut, Canal, Railway, or Road, or between the Railway Company and the *Neath* Canal Company, either as to the Mode of carrying the same over, under, across, 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 other Persons in the Occupation thereof, such Difference shall be settled by Arbitration in the Manner provided by the Railways Clauses Consolidation Act, 1845.

For Protection of the Aberdare Iron Company.

XLIV. And whereas the *Aberdare* Iron Company are the Owners, Lessees, or Occupiers of the Iron Works of *Aberdare* and *Abernant* in the Parish of *Aberdare*, and of the Lands and Mining and Mineral Grounds belonging thereto, and are in the Possession and Exercise of certain Powers of mining, building, planting, making Roads, using and diverting Waters, depositing Refuse and Rubbish, with divers other Rights, Privileges, and Conveniences: And whereas the above-mentioned Lands and Grounds abound in Coal, Ironstone, and other Minerals: And whereas the Line of the Railway by the Iron Works of the said *Aberdare* Iron Company will pass over Part of the said Lands and Grounds of the said *Aberdare* Iron Company, and in the Direction of the Workings thereof, and where the said Coal, Ironstone, and other Minerals greatly abound, and certain of the Powers and Authorities given by this Act and the said recited Acts might greatly interrupt that daily working and Use of the said Iron Works, Lands, and Mining Grounds which is necessary for the due Enjoyment thereof; and it is therefore expedient that due Provision should be made to prevent such Interruption as aforesaid, and to secure to the said *Aberdare* Iron Company, and to the future Owners, Lessees, or Occupiers of the said Iron Works, Lands, and Grounds, all such Powers, Rights, and Privileges and Conveniences as aforesaid, and the Enjoyment thereof, and of the Means of working and using their said Works, Lands, and Mining and Mineral Grounds, in as full and ample a Manner as heretofore, but so nevertheless as not to prevent the making, continuing, repairing, and working of the said Railway within the Limits, Lines, and Spaces, and to the Extent of, and on the Terms and Conditions, and subject to the Restrictions herein-after provided; be it therefore enacted, That the centre Line of the said Railway which shall pass along, through, or over the Lands or Mining or Mineral Grounds in the Occupation of or under Mining Leases to the said *Aberdare* Iron Company shall, unless with such Consent as herein-after mentioned, be the exact Lines marked out on the Plan of the said Railway, and agreed upon before the passing of this Act, by and between the Engineer of the said Railway Company and the Agent of the said *Aberdare* Iron Company, and that nothing in this Act or the said recited Acts contained shall authorize or empower the said Railway Company in any way whatever to deviate from or alter such centre Lines as last aforesaid to an Extent which shall at any one Spot exceed Twenty Yards altogether, either on one Side only or on both Sides of such Line as aforesaid, without the Consent in Writing of the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers for the Time being as aforesaid, being first had

and obtained; provided always, that no such Deviation shall be made for the Distance of One hundred and fifty Yards on either Side of the Piece of Ground marked on the Plan of the said Railway herein-before referred to No. 262 in the Parish of *Aberdare*.

Limiting Width of Land to be taken from the Aberdare Iron Company.

XLV. And be it enacted, That no greater Width of Land belonging to the said *Aberdare* Iron Company shall be taken than may be requisite for the actual Formation of the said Railway through the Lands belonging to them, without such Consent as aforesaid, notwithstanding a greater Breadth may or might be required or judged necessary for any other Purposes in this Act or in the said recited Acts mentioned.

Not to divert any Railway or Tramway of the Aberdare Company.

XLVI. And be it enacted, That, notwithstanding any thing in the said recited Acts or in this Act contained, it shall not be lawful for the said Railway Company, except with such Consent in Writing as aforesaid, to divert any private Railway or Tramroad of the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers for the Time being as aforesaid, nor, except with such Consent in Writing as aforesaid, to abridge, lessen, or divert any Ponds, Reservoirs, Airways, or Watercourses belonging to the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers for the Time being as aforesaid.

Restricting Purchase or Use of Land of the Aberdare Company.

XLVII. And be it enacted, That the said Railway Company shall not be authorized, save within the Lines and Spaces aforesaid, to enter upon, take, use, or occupy, for any Purpose whatsoever, any Lands or Grounds of the said *Aberdare* Iron Company, adjoining or lying near to the said Lines or Spaces aforesaid.

Conveniences of the Aberdare Company to be preserved.

XLVIII. And be it enacted, That the said Railway Company shall make and keep in good and sufficient Repair proper and sufficient Tunnels under or Archways over the said Railway, for the necessary and requisite Crossing for the private Roads, Watercourses, and Drains of the said *Aberdare* Iron Company, and the Owners, Lessees, and Occupiers for the Time being of the said Iron Works, Lands, and Mineral Grounds, and shall provide all other necessary Conveniences for the said *Aberdare* Iron Company, or such Owners, Lessees, and Occupiers aforesaid, as may from Time to Time hereafter be reasonably required by them for the Use and Exercise of all their Powers and Privileges of Occupation and Mining, in as full and ample a Manner as if the said Railway had not been made; and in case the said Railway Company shall refuse or neglect so to make or keep in repair the aforesaid Tunnels, Archways, Drains, and other Conveniences in a reasonable Time after Request made to them in Writing, that the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, shall be at liberty to make and repair the same without the Molestation or Hindrance of the said Railway Company, whom they shall be entitled to charge with the Expences thereof; and in case of Default in Payment of such Expence by the said Railway Company within Ten Days after a written Demand shall have been duly made on the said Company for the same, the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, may recover

recover the Amount thereof, with all Costs incurred by reason of such Default, by Action of Debt in any of Her Majesty's Courts of Record at *Westminster;* and in case any Difference shall arise between the Railway Company and the said Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, touching the Matters aforesaid, the same shall be settled by Arbitration in the Manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

As to working of Mines by the Aberdare Company.

XLIX. And whereas by the said recited Railways Clauses Consolidation Act the Space of Forty Yards is specified as the Distance within which Mines are not to be worked after the Railway Company should be willing to purchase the same, and no Depth from the Surface within which the Mines lying under the said Railway may be worked is prescribed by such Act; be it therefore enacted, That nothing in the said recited Act or this Act contained shall restrain or impede the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, in or from working any Mines of Coal, Iron, Limestone, Slate, Clay, or other Mines or Minerals lying under the said Railway or Works, or any of them, or within the Distance of Twenty Yards from such Railway or Works respectively, so long as such working under or within such Distance of the said Railway shall be carried on so near to the Surface of the Soil as not to leave Six clear Yards between such Workings as aforesaid and the said Railway or Works.

For the Protection of the Glamorganshire Canal Company's Reservoir.

L. And be it enacted, That nothing in this Act contained shall authorize the Railway Company, their Agents or Servants, to take any Part of the Reservoir of the Company of Proprietors of the *Glamorganshire* Canal Navigation, situate at *Glyndiris* in the Parish of *Merthyr Tydfil*, for the Purpose of this Act, nntil such Reservoir shall have been enlarged to an Extent equal to the cubical Measure of that Portion thereof which may be required for the Works of the Railway, which Enlargement the said Company are hereby required to make at the Request of the said Railway Company, or in default may be made by the said Railway Company; provided nevertheless, that such Enlargement shall be made under the Supervision and to the reasonable Satisfaction of the Engineer of the said Company of Proprietors of the *Glamorganshire* Canal Navigation, but at the Expence, Costs, and Charges of the Railway Company: Provided also, that in case any Disagreement shall arise between the said Company of Proprietors of the *Glamorganshire* Canal Navigation and the Railway Company, or between their respective Engineers, relative to the said Enlargement, the Matters in difference shall be determined in the Manner provided by the Railways Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration.

For Protection of William Davies and others.

LI. And be it enacted, That the Railway Company shall and they are hereby required to purchase the whole of the Two Pieces of Land marked on the Plan of the Railway deposited as herein-before mentioned No. 37 in the Parish of *Merthyr Tydfil*, the Price or Compensation to be paid for the Land so to be purchased shall be determined

or

or settled by Arbitration in the Manner provided for by the Lands Clauses Consolidation Act, 1845, by which Arbitration shall also be determined the Prices or Sums to be paid in respect of such Interest as *William Davies* and *Mary* his Wife and *Edward Lewis Richards* respectively may have in the said Land; and in case the Company shall fail to make Payment of the Purchase Money with Twenty-one Days from the making of such Award, then and in such Case they shall also pay to the said *William Davies* and *Mary* his Wife Interest at the Rate of Four Pounds *per Centum per Annum* upon the Amount of their Compensation Money, such Interest to be calculated from the making of such Award; and the Company shall also pay the Costs of the said *William Davies* incurred by him in or about such Arbitration and Award, which Costs shall be ascertained and determined by the Arbitrators or Umpire.

Lands of foregoing Parties which may be sold by the Company may be re-purchased.

LII. And be it enacted, That in case any Portion or Portions of the said Pieces of Land marked No. 37 shall not be required by the Company for the Purposes of the Railway, and they shall determine to sell the same as superfluous Land, it shall and may be lawful for the Owner or Owners of the *Maerdy* Estate for the Time being, within Six Weeks after Notice given by the Company of their Intention to sell the same, to repurchase the same at the Price or Rate *per* Acre at which the said Pieces of Land had been purchased by the Company, or, at the Option of such Owner or Owners, at such Sum or Sums as shall be determined or settled by Arbitration in the Manner provided for by the Lands Clauses Consolidation Act aforesaid.

Company not to take a certain House without Consent.

LIII. Provided always, and be it enacted, That the Company shall not be authorized to take or use for any Purpose whatsoever the House and Garden marked on the Plan of the Railway deposited as aforesaid No. 56 in the Parish of *Merthyr Tydfil*, without the Consent in Writing of the said *William Davies*, or other the Owner or Owners thereof for the Time being, obtained for that Purpose.

Provisions in 38 G. 3. c. 30. restricting Erection of certain Buildings repealed.

LIV. And whereas by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for extending the* Neath *Canal Navigation, and for amending an Act passed in the Thirty-first Year of the Reign of His present Majesty for making the said Canal*, it was enacted, that nothing therein contained should authorize or empower the Company of Proprietors of the said Canal Navigation to make, build, or erect any Dwelling Houses or other Buildings or Erections on such Part of the Lands near *Giant's Grave* in the Parish of *Briton Ferry*, intended to be purchased by the said Company of Proprietors of the Right Honourable Lord *Vernon*, and marked in the Plan therein referred to with the Letters "a a a," nor any Buildings or Erections on such other Part of the Land also intended to be purchased of the said Lord *Vernon*, and marked on the said Plan " for Wharfs," and lying between the intended Canal therein mentioned and the River *Neath* (and coloured on the said Plan Yellow), except as therein excepted, without the Consent in Writing of the said Lord *Vernon*, or the Person or Persons for the Time being entitled to the Freehold and

Inheritance of *Briton Ferry* Demesne, first had and obtained for that Purpose: And whereas it was by the said Act further enacted, that no House or Building or Houses or Buildings whatsoever (other than except as therein excepted) should at any Time thereafter be erected or built on any of the Farms or Lands of the said Lord *Vernon* on the East Side of the River *Neath*, called the Demesne Lands of *Briton Ferry*, not intended to be purchased by the said Company of Proprietors, within the Distance of Half a Mile from the Termination of the proposed Extension of the said Canal, and that if any House or Building, Houses or Buildings, should at any Time thereafter be erected or built contrary to the Intent and Meaning of the said Clause, the same should be deemed and taken to be a common Nuisance, and should and might be prosecuted as such: And whereas it is expedient that the herein-before lastly-recited Provisions and Restrictions should be repealed, and the Right Honourable the Earl of *Jersey*, to whom the said Demesne called *Briton Ferry* now belongs, is willing that the same should be repealed; be it therefore enacted, That the same shall be and are hereby repealed accordingly.

Protecting Rights of Mrs. Tennant.

LV. And be it enacted, That it shall not be lawful for the Company to make the Railway or Works upon the Lands delineated on the said Plans, and therein numbered 22 in the Parish of *Cadoxton-juxta-Neath*, without the Consent of Mrs. *Margaret Elizabeth Tennant*, or her Heirs or Assigns, or other the Owner or Owners thereof for the Time being.

A certain Bridge to be erected if Company required so to do.

LVI. And be it enacted, That if the Company shall make the Railway or Works across the Land delineated on the said Plans, and therein numbered and lettered 69 [a] in the parish of *Lantwitt-juxta-Neath*, the said Company shall, if required so to do, by Notice in Writing to the Company within Three Months from the passing of this Act from the said *Margaret Elizabeth Tennant*, or other the Owner or Owners for the Time being of the said Land marked 69 [a], make and maintain a Bridge under the Railway, in such convenient Part of such last-mentioned Land as the said *Margaret Elizabeth Tennant* or other the Owner or Owners as aforesaid shall direct, such Bridge to be as high and as wide as the Bridge to be made by the said Company over the *Neath* Canal: Provided always, that if the said Company shall consider the said Bridge or the Dimensions thereof as herein-before specified unnecessary, it shall be referred to Arbitration to determine whether any such Bridge, or whether a Bridge of such Dimensions, would have been required to be made under the Provisions of the Railways Clauses Consolidation Act, and it shall be lawful for the Arbitrators to determine whether the Expence of constructing such Bridge shall be borne and paid wholly by the Company, or wholly by the said *Margaret Elizabeth Tennant*, or other the Owner or Owners as aforesaid, or jointly, and in what Proportions.

Gauge of Rail.

LVII. And whereas the said Railway hereby authorized is intended to join the *South Wales* Railway at or near the Town of *Neath*, and the Traffic of the said Railway hereby authorized is to be carried over the said *South Wales* Railway to or from the Ports of *Swansea*

and *Neath* respectively, and other Places on the Line of the last-mentioned Railway: And whereas the *South Wales* Railway is to be made on the Broad Gauge of Seven Feet, as determined by the Resolution of the House of Commons, in pursuance of the Recommendation of the Lords Commissioners of Her Majesty's Privy Council for Trade and Plantations; be it therefore enacted, That the Rails on the Railway hereby authorized shall be laid on the said Broad Gauge of Seven Feet in Width.

Tolls.

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

Tonnage on Articles of Merchandize.

1. In respect of the Tonnage of all Articles upon the Railway 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 Halfpenny:

For all Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Description of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile not exceeding Three Halfpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

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 Sixpence:

And a Sum of Two-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Two-pence.

On Passengers and Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, 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 belonging to the Company, an additional Sum 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 conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

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

Tolls for propelling Power.

LIX. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to the Tolls.

LX. 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 for a less Distance than Six Miles the Company may demand Tolls as and for Six Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls 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.

LXI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls herein prescribed, 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 as 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

For the Carriage of any One Boiler, Cylinder, 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.

Passengers Luggage.

LXII. And be it enacted, That every Passenger travelling upon the Railway may take with him 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.

Maximum Charges for Passengers and Goods.

LXIII. Provided always, and be it enacted, That the maximum Charges to be made by the Company for the Conveyance of Passengers upon the said Railway, including the Tolls for the Use of the Railway, 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.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rates of Charges to be made by the Company, including the Tolls for the Use of the Railway 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* Mile:

For Calves and Pigs, One Penny each *per* Mile:

For Sheep and small Animals, 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 Halfpenny *per* Ton *per* Mile:

For Pig Iron, and other Articles herein-before classed therewith, the Sum of Two-pence *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.

LXIV. Pro-

Restriction as to Charges not to apply to Special Trains.

LXIV. 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 that may be required to be run upon the said Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company may take increased Charges by Agreement.

LXV. Provided further, and be it enacted, 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.

Power to lease the Railway, &c.

LXVI. And be it enacted, That it shall be lawful for the Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting of the Company specially convened for the Purpose, to let on Lease the Railway and Works hereby authorized to be made, or any of them, or any Part thereof respectively, to the *South Wales* Railway Company, for such Term or Terms of Years, at such Rent or Rents, and upon such Conditions as may be mutually agreed upon; and it shall be lawful for the said *South Wales* Railway Company, with the Approbation of Three Fifths of the Shareholders in such Company present, personally or by Proxy, at some General Meeting specially convened for the Purpose, to accept and take any such Lease.

Power to sell the Railway, &c.

LXVII. And be it enacted, That it shall also be lawful for the Company, by and with the Authority of Three Fifths of the Votes of the Proprietors who may be present, either personally or by Proxy, at some General Meeting specially convened for the Purpose, to sell and transfer the said Railway or any Part thereof, together with all or any of their Powers, Rights, and Privileges in connexion therewith, and whether before or after the Completion thereof, to the *South Wales* Railway Company, and for the said *South Wales* Railway Company, by and with the like Authority on the Part of their Proprietors, to purchase the Railway or any Part thereof, or any Share or Interest therein (but subject to any existing Mortgages, Contracts, Agreements, or Liabilities affecting the same respectively); 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, shall be sufficient Evidence, the said *South Wales* Railway Company may have and hold the Railway or any Part thereof or the Share therein which may be purchased by them, and may 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 Company in relation thereto.

South Wales Railway Company may create Shares, and borrow on Mortgage, for effecting Purchase.

LXVIII. And be it enacted, That for the Purposes aforesaid it shall be lawful for the said *South Wales* Railway Company, if they see fit, by and with such Authority as aforesaid, to create such an additional Number of Shares in the Undertaking of the said *South Wales* Railway, and to borrow upon Mortgage such Sum of Money, as may be necessary for completing such Purchase, or for constructing and working the Railway or any Part thereof respectively which may be the Subject of such Purchase, 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 Undertaking, and that the Money so to be borrowed in the event aforesaid shall not exceed One Third the Amount of such Capital, and shall not be borrowed until One Half of the said Capital shall have been paid up, and the whole thereof subscribed.

After Purchase Railway, &c. to be amalgamated.

LXIX. And be it enacted, That from and after such Purchase as aforesaid, if any such shall take place, the Railway and Works, or such Parts thereof as may be so purchased, shall thenceforth be and become amalgamated with and form Part of the Undertaking belonging to or under the Control of the Company making such Purchase, but subject to all Debts, Liabilities, and Engagements (if any) of the Company selling the same; and from thenceforth all the Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in this Act or the said recited Acts in and relating to the Railways and Works hereby authorized to be made, which may so become amalgamated with the *South Wales* Railway, shall, with reference to all such Railways, Works, Matters, and Things as might have been made or done by the Company hereby incorporated, be applied and applicable to the said *South Wales* Company, their Officers, Agents, and Servants, in every respect as if the said *South Wales* Railway had been in every Case in this Act written in lieu and stead of the *Vale of Neath* Railway.

Power to enter into Contracts for such Purposes.

LXX. And be it enacted, That it shall be lawful for the Company hereby incorporated, and for the said *South Wales* Railway Company, or the Directors thereof, to make and enter into such Contracts and Agreements for effecting the Purposes aforesaid as they the said Companies may respectively deem advisable, and subject to such Terms and Conditions as may be mutually agreed on between them.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

LXXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* be it enacted, That nothing in this

Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

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

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

Public Act.

LXXIII. 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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