ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap.* lxxiv.

## An Act for enabling the *Vale of Neath* Railway Company to construct certain new Lines of Railway in connexion with the *Vale of Neath* Railway; and for other Purposes. [2d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, called " The *Vale of Neath* Railway Act, 1846," whereby certain Persons were incorporated under the Name or Style of " The *Vale of Neath* Railway Company:" And whereas it would be attended with public and local Advantage if Railways were made from the *Vale of Neath* Railway to join the *South Wales* Railway at *Neath* to *Rhygos*, and to join the *Heolyfelin* Branch of the *Vale of Neath* Railway: And whereas the *Vale of Neath* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do; but for such Purpose it is necessary that the Capital authorized to be raised by the said recited Act should be increased, and that some of the Powers and Provisions of the said Act should be enlarged, and further Powers granted to the said Company: May it therefore please Your Majesty that it may be it enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions of

9 & 10 Vict. c. 341.

8 & 9 Vict. cc. 18. & 20. extended to this Act.

"The Lands Clauses Consolidation Act, 1845," and of "The Railways Clauses Consolidation Act, 1845," shall respectively, so far as the same are applicable, and except so far as the same may be inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

Powers of recited Act extended to this Act.

II. And be it enacted, That all the Provisions contained in the said recited Act, so far as the same are now unrepealed and in force, and except such as are inapplicable to the Purposes of this Act, or are inconsistent with the Provisions of the said Lands Clauses Consolidation Act, 1845, or of the said Railways Clauses Consolidation Act, 1845, shall extend to this Act, and to the several Objects and Purposes thereof, as fully and effectually as if the same Provisions were re-enacted in this Act with reference to such Objects and Purposes; and the Railways and other Works by this Act authorized to be made or purchased by the said *Vale of Neath* Railway Company shall, when so made or purchased, form Part of the *Vale of Neath* Railway.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, or in Pleadings, legal Instruments, and other Documents and Proceedings, it shall be sufficient to use the Expression "The *Vale of Neath* Railway Amendment Act, 1847."

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the Company to appropriate any Portion of the Capital which they are authorized to raise by the said recited Act to the Purposes of the Works by this Act authorized, and to raise for the Purposes of this Act or any of them, by creating new Shares, in addition to the said Capital, any further Sum of Money not exceeding in the whole the Sum of Forty-five thousand Pounds.

New Shares to be considered same as original Shares.

V. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned among the Shareholders in the said Undertaking according to the Order of any Ordinary or Extraordinary Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit.

As to Votes of Proprietors of new Shares.

VI. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking.

VII. And

Power to borrow on Mortgage.

VII. And be it enacted, That after One Half of the Sums by this and the said recited Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any Ordinary or Extraordinary Meeting of the Company, not exceeding in the whole the Sum of Fifteen thousand Pounds, in addition to the Sum which they are by the said recited Act authorized to borrow; and all the Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing by the said Company of the Money hereby authorized to be borrowed by them, and to the Conversion thereof, if they think fit, into Capital.

Alteration of Provision in first-recited Act as to Interest.

VIII. And whereas it was by the first-recited Act enacted, that no Interest should accrue to the Proprietor of any Share upon which any Call should be in arrear in respect of such Share, or of any other Share held by the same Proprietor, during the Period while such Call should remain unpaid, and it is expedient to alter or vary the said Enactment; be it enacted, That the said Provision shall be held to apply only to the Accrual of any Interest in respect of any Call upon any Share so long as the same shall remain unpaid, and that, notwithstanding any thing in the said first-recited Act contained, Interest shall accrue in respect of any previous Calls from the Date at which they shall actually have been paid by any Proprietor: Provided always, that no Interest shall be payable to any Proprietor upon any Amount which he may have paid up, or which may have been paid up, on any Shares, so long as any Call shall remain unpaid upon any Shares held by him, but such Interest shall be retained to the Credit of such Proprietor, and shall be applicable, so far as the same will extend, to the Discharge of any Call which may remain unpaid by such Proprietor.

Interest not to be paid on Calls paid up.

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

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

X. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect

respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to make Railways.

XI. And be it enacted, That it shall be lawful for the said Company to construct the several Railways next herein-after mentioned; (that is to say,)

A Railway diverging from the Line of the *Vale of Neath* Railway as at present authorized to be made at or near the *Neath* Terminus thereof, and terminating by a Junction with the Line of the *South Wales* Railway as at present authorized to be made at or near the Seventy-third Mile of the said *South Wales* Railway as marked upon the Plans referred to in "The *South Wales* Railway Act 1845:"

Also a Railway diverging from the Line of the *Vale of Neath* Railway between the Thirteenth and Fourteenth Miles thereof as marked on the Plans of the said Railway referred to in the said first-recited Act, and terminating near *Rhygos* in the Parish of *Ystradyfodwg* in the County of *Glamorgan*:

Also a Railway diverging from the Line of the *Vale of Neath* Railway at or near the Twentieth Mile thereof as marked on the said Plans relating thereto, and terminating by a Jnnction with the *Hcolyfclin* Branch of the *Vale of Neath* Railway at or near the Terminus of such Branch in the Parish of *Aberdare* in the County of *Glamorgan* as shown on the last-mentioned Plans.

Railways to be made according to deposited Plans, &c.

XII. And whereas Plans and Sections of the said Railways and other Works by this Act authorized, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited with the Clerk of the Peace for the County of *Glamorgan*; be it enacted, That, subject to the Powers of Deviation in "The Railways Clauses Consolidation Act, 1845," contained, the said Railways and other Works shall be made according to the Lines and Levels or Situations thereof as defined on the said Plans and Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as shall be necessary for the Purposes thereof.

Protecting Navigation of Canal called Mrs. Tennant's Canal, otherwise the Neath and Swansea Junction Canal.

XIII. And be it enacted, That nothing in this Act contained shall take away, alter, prejudice, or affect any of the Rights, Privileges, Powers, or Authorities vested in the Proprietor of the Canal called "*Mistress Tennant's* Canal," otherwise called "The *Neath and Swansea Junction* Canal," except as herein expressly provided, or authorize the Company, in the Construction of the Railways and Works by this Act authorized, to alter such Canal as to its Line or Level, or in any other respect, or the Towing Path thereof, or any Part thereof, or to divert, contract, or abstract any of the Waters therein, or any Brooks, Streams, waste Water Cuts, Feeders, or Watercourses supplying

plying the same with Water, or carrying therefrom the waste Water, or otherwise connected with the Canal.

Bridges to be made over said Canal.

XIV. And be it enacted, That wherever the Railways and Works by this Act authorized shall be carried over the said Canal the Company shall at their own Expence make and at all Times for ever thereafter maintain 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 the least Twenty-five 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 Seven 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.

XV. 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 Obstructions shall be occasioned to the Navigation of the said Canal at any Time between Sunrise and Sunset, but that between Sunrise and Sunset during the Period of such Erections or Repairs a Waterway of not less than Ten Feet in Width, a Towing Path of not 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.

XVI. 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 Company, or any of their Agents or Servants, the Navigation of the said 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 Company shall pay to the Proprietor of the said Canal, as ascertained Damages, the Sum of Two Pounds for every Half Hour between Sunrise and Sunset 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, then and in every such Case the Company shall pay to the Proprietor of the said Canal the further Sum of Two Pounds for every Half Hour in the several Periods between Sunrise and Sunset during the Time of such continued Obstruction, as ascertained Damages; and the said Proprietor may sue for and recover the said respective Sums, together with full Costs of Suit, against the Company, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*.

Bridge over Canal to be kept in repair.

XVII. And be it enacted, That in case any such Bridge over the said Canal or any Part thereof, or the Approaches thereto, or any Part of the same, shall not be kept in good and substantial Repair, it shall be lawful for the Proprietor of such Canal, after Fourteen Days Notice to the Engineer or Secretary for the Time being of the Com-

pany, to do the needful Repairs, and recover from the 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*.

Certain Road may be crossed on the Level.

XVIII. And be it enacted, That, subject to the Provisions contained in the Railways Clauses Consolidation Act, 1845, with respect to crossing Roads on the Level, it shall be lawful for the Company, if they think fit, to carry the Railway to *Rhygos* by this Act authorized across and on the Level of a certain Road numbered 51 in the Parish of *Ystradyfodwg* on the Plans deposited as aforesaid.

Company to erect a Station or Lodge at the Point of crossing, and to abide by the Regulations of the Commissioners of Railways.

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

Lands for extraordinary Purposes.

XX. And be it enacted, That it shall be lawful for the Company to purchase and take for extraordinary Purposes any Quantity of Land not exceeding Fifty Acres, in addition to the Lands which they are authorized to take for the like Purposes by the said recited Act.

Compulsory Power of taking Lands limited.

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

Period for Completion of Works.

XXII. And be it enacted, That the said Railways by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the sai dRailways as shall then be completed.

Gauge of Railways.

XXIII. And be it enacted, That the Railways by this Act authorized shall be constructed upon the Broad Gauge of Seven Feet, so as to admit of the same being worked continuously with the *Vale of Neath* Railway.

Tolls.

XXIV. And be it enacted, That it shall be lawful for the said Company to demand and receive, in respect of the Use of the Railways by this

this Act authorized, and of the Engines and Carriages employed thereon any Tolls and Charges not exceeding the maximum Tolls and Charges limited by the said recited Act.

Power to Railway Company to rent or purchase certain Tramroads.

XXV. And be it enacted, That it shall be lawful for the said *Vale of Neath* Railway Company, and they are hereby authorized and empowered, to rent or purchase, and that it shall be lawful for the respective Proprietors of certain Tramroads leading from the *Rhygos* Colliery to *Pontwalby*, and from the *Dinas* Limestone Quarries to *Abernant*, and they are hereby respectively authorized and empowered, to demise or sell to such last-mentioned Company the said Tramroads and the Works connected therewith respectively upon such Terms as may be mutually agreed upon between the said Company and the respective Proprietors of the said Tramroads, and to enter into such Contracts and Agreements for effecting the Purposes aforesaid as the said Company and such Proprietors respectively may deem advisable; and in the Event of the Sale of the said Tramroads or either of them, or any Part thereof, of which Sale 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 duly executed by such Proprietors respectively, shall be sufficient Evidence, the said Tramroads, or such of them, or such Part or Parts thereof respectively as shall be so purchased, and the Works connected therewith respectively, shall form Part of the Undertaking of the *Vale of Neath* Railway; and from and after the Completion of any such Purchase as last-mentioned the said *Vale of Neath* Railway Company shall thenceforth be authorized and empowered to hold the said Tramroads, or such of them as they shall so purchase, and the Works connected therewith, and to exercise all such Powers in connexion therewith as are now vested in the Proprietors of the same respectively.

New Lines may be purchased or leased by the South Wales Railway Company.

XXVI. And whereas by the said recited Act the *South Wales* Railway Company were authorized to take a Lease of or to purchase the Undertaking thereby authorized; be it therefore enacted, That the several Railways, and such other Railways and Works as the *Vale of Neath* Railway Company may, under or by virtue of this or the said recited Act, be authorized to make or become possessed of, shall be subject to the same Powers of Sale or Lease to the said *South Wales* Railway Company, and of purchasing or renting by them, as the Undertaking by the said recited Act authorized.

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

XXVII. Provided always, and be it enacted, That it shall not be lawful for the said *Vale of Neath* Railway Company, by virtue of the Power herein-before contained, to sell, demise, or lease, nor for the said *South Wales* Railway Company to purchase or rent, the said Railways hereby authorized to be made or purchased, or for the said *Vale of Neath* Railway Company to purchase or enter into or accept a Lease of the aforesaid Tramroads, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of any such Sale or the Execution of any such Lease, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up

up and expended for the Purposes authorized by such Act or Acts respectively.

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

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

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

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

Public Act.

XXX. 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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