



ANNO VICESIMO QUINTO & VICESIMO SEXTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. clxxxiv.

An Act to enable the *Brecon and Merthyr Tydfil Junction* Railway Company to make new Railways ; and for other Purposes.

[29th July 1862.]

**W**HEREAS by "The *Brecon and Merthyr Junction* Railway Act, 1859," (herein-after called "the original Act,") a Company (herein-after called "the Company") was incorporated by the Name of "The *Brecon and Merthyr Tydfil Junction* Railway Company" (with a Capital of Eighty thousand Pounds in Eight thousand Shares of Ten Pounds each, and with Power to borrow Twenty-six thousand six hundred Pounds), for the Purpose of making a Railway (herein-after called "the authorized Main Line") to commence in the Parish of *Llanddetty* in the County of *Brecon*, and to terminate in the Parish of *Merthyr Tydfil* in the same County ; a Railway from the authorized Main Line to join the *Dowlais* Railway ; and a Stone Road to commence in the said Parish of *Llanddetty*, to be carried across the River *Usk* by a Bridge, and to terminate near the Parish Church of *Llansaintfread* in the County of *Brecon* : And whereas by "The *Brecon and Merthyr* Railway Extensions Act, 1860," (herein-after called "the Act of 1860,") the Company were empowered to relinquish the Construction of the authorized Main Line from the Commencement thereof to a Point in the said Parish of *Llanddetty*, and of the whole of the said

22 & 23 Vict.  
c. lxxviii.

23 & 24 Vict.  
c. xvii.

[Local.]

29 Z

Stone

*Brecon and Merthyr Railway Act, 1862.*

Stone Road and Bridge, and in lieu thereof to construct other Railways in extension of the authorized Main Line, and to complete their Communication with the Town of *Brecon*, and were also empowered to raise further Sums not exceeding Fifty thousand Pounds by Creation of ordinary Shares in their Undertaking, and Sixteen thousand six hundred Pounds by borrowing on Mortgage: And whereas by "the Act of 1860" the *Taff Vale* Railway Company were empowered to subscribe any Sum not exceeding Thirty thousand Pounds towards the Undertaking or any specified Portion of the Undertaking, and (to that Extent) to become Shareholders and take and hold Shares in the Capital or any specified Portion of the Capital of the Company, and to raise Money for that Purpose by the Creation of Shares or Stock in the Undertaking of the *Taff Vale* Railway Company, but that Company has not exercised those Powers: And whereas by "The *Brecon and Merthyr* Railway (Capital) Act, 1861," the Company were authorized to raise further Sums not exceeding in the whole Sixty-three thousand Pounds by the Creation of new Shares in their Undertaking (with Power to attach thereto a Preference or Priority of Interest or Dividend not exceeding the Rate of Five *per Centum per Annum*), and not exceeding Twenty-one thousand Pounds by borrowing on Mortgage: And whereas by "The *Brecon and Merthyr* Railway Extensions Act, 1861," (herein-after called "the Extensions Act, 1861,") the Company were empowered to make—

24 & 25 Vict.  
c. x.

24 & 25 Vict.  
c. ccxxxv.

First, a Railway commencing by a Junction with the authorized Main Line in the Parish of *Merthyr Tydfil* in the County of *Glamorgan*, and terminating near the *Dowlais* Roadside Pond in the same Parish: Secondly, a Railway commencing by a Junction with the Railway therein-before described, and terminating by a Junction with the Railway of the *Rhymney* Railway Company at or near the *Pont Aber Bargoed* Station thereon:

And whereas by the same Act (Section 6) the Company were prohibited from opening for Traffic any Portion of the Railways by that Act authorized between the Commencement of the same, therein-before described, in the Parish of *Merthyr Tydfil*, and the Property numbered on the Plans deposited for the Purposes of that Act 163<sup>a</sup> in the Parish of *Gelligaer*, until they should have completed and opened for Traffic so much of the Railways authorized by the original Act as were authorized to be made in the Parish of *Merthyr Tydfil*, and until they should have made a Junction between those Railways and the *Dowlais* Railway, or until the Company should have completed and opened for Traffic any Line which might by the Authority of Parliament be substituted for the said Portion of the Railways of the Company authorized by the original Act, and which should connect the Railway of the Company with the *Taff Vale* Railway at *Merthyr Tydfil*: And whereas "The Extensions Act, 1861," also enacted that in the Event therein specified (and which Event has happened) the Powers of the Company with respect

---

*Brecon and Merthyr Railway Act, 1862.*

---

respect to the making and maintaining of that Portion of the Railway in that Act secondly described which lay between the Junction thereof with the Main Line of the *Rhymney* Railway and the said Field numbered 163<sup>a</sup> in the Parish of *Gelligaer*, and the entering upon, taking, and using of Lands for the Purposes thereof, should absolutely cease, and that the same should not for any Purpose be Part of their Railway: And whereas by "The Extensions Act, 1861," the Company were empowered to raise for the Purposes of that Act any Sums not exceeding in the whole One hundred and thirty thousand Pounds by new Shares, and Forty-three thousand three hundred Pounds by borrowing on Mortgage on the Security of the Railways by that Act authorized, and the Tolls, Rates, and Charges thereon, and (if so agreed) the future Calls upon the Shareholders under that Act; and that Act enacted that the Railways and Works thereby authorized to be constructed should for financial Purposes form a separate Undertaking, and that the Capital and new Shares created under the Powers of that Act should constitute a separate Capital, and that the Profits from Time to Time applicable to Dividend of the Railways by that Act authorized should be wholly applied in Payment of Interest or Dividend on the new Shares created under the Powers of that Act, and that the Holders of those Shares should not in respect thereof be entitled to Interest or Dividend out of any other Profits of the Company: And whereas it is expedient that the Company be authorized to make a Railway (in substitution for a Portion of the Railways authorized by the original Act) from the authorized Main Line in the Parish of *Llanddettty* to join (with a double Junction) the *Taff Vale* Railway at *Merthyr Tydfil*: And whereas it is expedient that the Company be authorized to make a Railway from the authorized Main Line in the Parish of *Merthyr Tydfil* to join in the same Parish the authorized Line of the Railway first described in "The Extensions Act, 1861," and in substitution for Part of that Line: And whereas it is expedient that the Company be authorized to make Two Deviation Railways in the Parish of *Gelligaer* in the County of *Glamorgan* in substitution for Parts of the authorized Lines of the Railway secondly described in "The Extensions Act, 1861:" And whereas it is expedient that the Company be authorized to make a Line of Railway to connect the before-mentioned Railways with the *Merthyr, Tredegar, and Abergavenny* Railway, and the *Sirhowy* Railway: And whereas for the Purposes of this Act Plans and Sections describing the Lines and Levels of the proposed Railways, and the Lands which may be required to be taken for the Purposes thereof, together with Books of Reference to the said Plans containing the Names of the Owners and Lessees or reputed Owners and Lessees and of the Occupiers of those Lands respectively, have been deposited with the respective Clerks of the Peace for the Counties of *Brecon* and *Glamorgan*: And whereas the recited Section 6 of "The Extensions Act, 1861," was enacted at the Instance of the *Taff Vale* Railway Company, and it is expedient

*Brecon and Merthyr Railway Act, 1862.*

expedient that the same be repealed, and that such other Provision as in this Act contained be substituted for that Section: And whereas it is expedient that the Company be authorized to raise further Money for the Purposes of this Act: And whereas it is expedient that the *Taff Vale* Railway Company be empowered to subscribe a further Sum towards the Undertaking of the Company, as by the recited Acts and this Act authorized, and to exercise for the Purposes of that Undertaking the Powers of Subscription given by the Act of 1860, and to raise Money for the Purposes of their Subscription: And whereas it is expedient that the recited Acts be in some respects amended: And whereas the Objects before mentioned 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; (that is to say,)

Short Title.

1. This Act may be cited for any Purpose as "*Brecon and Merthyr* Railway Act, 1862."

8 & 9 Vict.  
cc. 18. and  
20. and  
23 & 24 Vict.  
c. 106. in-  
corporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," shall (except in so far as the Provisions of those Acts are expressly varied or excepted by this Act) be incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

3. In this Act the Expression "the Company" means the *Brecon and Merthyr Tydfil Junction* Railway Company; the Word "Share" includes Stock; the Expression "the separate Undertaking" means the Railways and Works or Undertaking which, according to the Provisions of "The Extensions Act, 1861," now in force, the Company are authorized to construct, and includes the Railways, Portion of Railway, and Works by this Act declared Part of the separate Undertaking; the Expression "the general Undertaking" means and includes all other the Railways, Works, and Undertaking of the Company; "the deposited Plans and Sections" means the Plans and Sections deposited with the Clerks of the Peace for the Purposes of this Act as aforesaid; the Word "Traffic" includes Passengers and Luggage, Animals, Goods, and Merchandise, and other Articles, Matters, and Things; and the Term "Court of competent Jurisdiction" includes any County or other Court having by Law Cognizance of the Action; unless in so far as there may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction.

Power to  
make Rail-  
ways ac-  
cording to  
deposited  
Plans.

4. Subject to the Provisions and Powers of Deviation in this Act and the incorporated Acts contained, the Company may make and maintain the Railways herein-after described according to the Lines  
and

*Brecon and Merthyr Railway Act, 1862.*

and Levels defined upon the Plans and Sections and upon the Lands delineated on the Plans and described in the Books of Reference deposited for the Purposes of this Act as aforesaid, and the Company may enter upon, take, and use such of those Lands as they think necessary for the Purposes of this Act.

5. The Railways by this Act authorized comprise the Railways and Works following: Description  
of Railways.

First, a Railway (on the deposited Plans and Sections called Line No. 1) commencing from the authorized Main Line in the Parish of *Llanddetty* and County of *Brecon*, and terminating in the Parish of *Merthyr Tydfil* and County of *Glamorgan* by a Junction with the *Taff Vale* Railway, Six Furlongs or thereabouts South of the *Merthyr Tydfil* Terminus of that Railway:

Secondly, a Railway (on those Plans and Sections called Line No. 3) commencing by a Junction with the intended Railway first herein-before described, and terminating by a Junction with the *Taff Vale* Railway in or near the Station Yard forming the *Merthyr Tydfil* Terminus thereof:

Thirdly, a Railway (on those Plans and Sections called Railway No. 4, or *Pant-Cadivor* Deviation,) wholly within the said Parish of *Merthyr Tydfil*, commencing by a Junction with the authorized Main Line, and terminating by a Junction with the authorized Line of the Railway first described in "The Extensions Act, 1861:"

Fourthly, a Deviation Railway (on those Plans and Sections called Line No. 5) wholly within the Parish of *Gelligaer* and County of *Glamorgan*, commencing from and terminating by a Junction with the authorized Line of the Railway secondly described in "The Extensions Act, 1861:"

Fifthly, a Deviation Railway (on those Plans and Sections called Line No. 6) wholly within the said Parish of *Gelligaer*, commencing from and terminating by a Junction with the last-mentioned authorized Line:

Sixthly, a Railway (on those Plans and Sections called Line No. 7) commencing at the Commencement of the intended Railway fourthly herein-before described, and terminating in the Parish of *Llangynider* and County of *Brecon* in a Field numbered 136 in that Parish on the deposited Plans referred to in "The *Merthyr, Tredegar, and Abergavenny* Railway Act, 1859:"

Seventhly, a Railway (on the deposited Plans and Sections called Line No. 8) wholly in the Parish of *Llangynider* and County of *Brecon*, commencing by a Junction with the intended Railway sixthly herein-before described at the intended Termination thereof, and terminating by a Junction with the authorized Extension of the *Sirhowy* Railway at or near the Terminus of that Extension in that Parish.

[Local.]

30 A

6. The

*Brecon and Merthyr Railway Act, 1862.*

Inclination  
of certain  
Roads.

6. The Company may make the several Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations herein-after mentioned in connexion with those Roads; (to wit,)

Number of Road on deposited Plans.	Parish in which the Road is shown on those Plans.	Description of Road.	Maximum intended Inclination.
3	Vaynor - -	Parish Road -	1 in 9 on one Side, and level on the other Side to the Junction with present Road.
78	Vaynor - -	Turnpike Road -	1 in 14 on one Side.
163	Merthyr Tydfil -	Public Road -	1 in 8 on one Side.
140	Merthyr Tydfil -	Parish Road -	1 in 8 on one Side, and level on the other Side to the Junction with present Road.
21	Merthyr Tydfil -	Turnpike Road -	1 in 22.
79	Gelligaer - -	Parish Road -	1 in 15.
83	Gelligaer - -	Parish Road -	1 in 6½ on one Side, and level on the other Side to the Junction with present Road.
66	Gelligaer - -	Turnpike Road -	1 in 18.
8	Llangynider -	Turnpike Road -	1 in 12 on one Side, and level on the other Side.

Dimensions  
of Bridges.

7. The Company may make the Arches of the Bridges for carrying the Railways over the Roads next herein-after mentioned of any Height and Span, not less than the respective Heights and Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,)

Number of Road on deposited Plans.	Parish in which Road is shown on those Plans.	Description of Road.	Height.	Span.
201	Merthyr Tydfil -	Parish Road -	14 Feet -	20 Feet.
37	Vaynor - -	Parish Road -	14 Feet -	20 Feet.
140	Merthyr Tydfil -	Parish Road -	- - -	20 Feet.
156	Merthyr Tydfil -	Turnpike Road -	- - -	30 Feet.
140	Merthyr Tydfil -	Parish Road -	14 Feet -	20 Feet.
140	Merthyr Tydfil -	Parish Road -	14 Feet -	20 Feet.
10	Merthyr Tydfil -	Parish Road -	14 Feet -	15 Feet.
69	Gelligaer - -	Parish Road -	14 Feet -	20 Feet.
79	Gelligaer - -	Parish Road -	14 Feet -	20 Feet.
83	Gelligaer - -	Parish Road -	14 Feet -	20 Feet.

Power to  
alter En-  
gineering  
Works.

8. Notwithstanding anything in "The Railways Clauses Consolidation Act, 1845," contained, the Company in the Construction of the Railway may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the deposited Plans or Sections, so as the Deviations be made within the Limits of Deviation shown on those Plans,

*Brecon and Merthyr Railway Act, 1862.*

Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to them, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation Act, 1845."

9. Every Communication between the Railways hereby authorized to be made and the Railway of any other Company, and all such Openings in the Ledges or Flanches of that Railway as may be necessary or convenient for effecting such Communications, shall, except in so far as may be otherwise agreed between the Company and such other Company, be made and maintained at the sole Expense of the Company, but to the reasonable Satisfaction of the principal Engineer for the Time being of the other Company; and in case of any Difference arising between that Engineer and the Engineer of the Company as to the Mode of effecting such Communication, the same shall be determined at the Cost of the Company by a Referee, to be appointed, on the Application of either Party, by the Board of Trade.

Communi-  
cations with  
other Rail-  
ways, how  
to be made.

10. Each other Company with whose Railway any such Communication is effected may from Time to Time erect, either on their own Land or on the Land of the Company, such Signals and other Works and Conveniences, and appoint and remove such Watchmen, Switchmen, Signalmen, or other Persons, as may be necessary for the Prevention of Danger or Obstruction to or Interference with Traffic at and near the Point of Junction between their Railway and the Railway; and the Working and Management of such Signals, Works, and Conveniences shall (except in so far as may be otherwise agreed between the Company and such other Company) be under the exclusive Management and Regulation of such other Company; and (except as before excepted) all the Costs and Expenses of erecting, maintaining, and working such Signals, Works, and Conveniences, or otherwise relative thereto, and the Wages of such Watchmen, Switchmen, Signalmen, and other Persons, in each Half Year, shall at the End of that Half Year be repaid by the Company to the other Company, and in default of such

Provision  
for Watch-  
men, Sig-  
nals, &c.

Repayment

*Brecon and Merthyr Railway Act, 1862.*

Repayment the Amount of such Costs, Expenses, and Wages may be recovered from the Company by the other Company in any Court of competent Jurisdiction.

Not to take  
or interfere  
with the  
Works of  
other Com-  
panies.

11. Nothing in this Act or in the Acts incorporated herewith contained shall authorize or enable the Company to take or enter upon any of the Lands belonging to any other Company with whose Railway any such Communication is to be effected, or to alter the Line or Levels of their Railway or any of the Works thereof, or to interfere with such Railway and Works further than is necessary for the Construction of the Railway by this Act authorized, and the convenient Junction and Intercommunication between that Railway and the Railway of the other Company.

Pant Junction with  
Dowlais  
Limestone  
Railway to  
be main-  
tained.

12. Whereas by the Abandonment by this Act authorized of so much of the Railways authorized by the original Act as was intended to connect the authorized Main Line with the *Dowlais* Railway of the *Dowlais* Iron Company, and which abandoned Portion of Railway would have been made in immediate Proximity to the principal Iron Works of that Company, that Company will be deprived of the Means of Railway Communication which the abandoned Portion of Railway would have afforded between their Works and the authorized Main Line: And whereas the *Dowlais* Iron Company have a private Railway called the *Limestone* Railway, which has a Junction with the authorized Main Line at or near *Pant*, and forms a Communication between their Works and that Main Line, and it is expedient that such Junction should be continued and maintained: Therefore the Company shall for ever hereafter, at their sole Expense, maintain and keep in repair, and from Time to Time reinstate and renew, the Junction at or near *Pant* aforesaid between the authorized Main Line and the *Limestone* Railway, and the several Works and Conveniences incident thereto, so that there may always be sufficient and convenient Means by which Carriages and Traffic may pass from the one of those Railways to the other of them; and the Company shall from Time to Time and at all Times hereafter, upon reasonable Notice in that Behalf, receive at that Junction, and convey upon their Railways, according to the Consignment thereof respectively, such Waggon, Carriages, Goods, and Minerals as may be brought thereto over the *Limestone* Railway, and shall also from Time to Time and at all Times hereafter as there shall be Occasion deliver at their Junction to and upon the *Limestone* Railway such Waggon, Carriages, Minerals, and Goods as may be consigned thereto over all or any Part of their Railways.

Sections 13.  
to 16. of  
24 & 25 Vict.  
c. ccxxxv.

13. And whereas the Railways No. 1 and No. 4, and the Deviation Railways No. 5 and No. 6, respectively authorized by this Act, or Parts thereof respectively, are proposed to pass through Lands belonging or reputed

1862



*Brecon and Merthyr Railway Act, 1862.*

reputed to belong to and occupied by the *Dowlais* Iron Company contiguous to their Iron Works, and in and under which they have Mining Rights, and are now and from Time to Time will be carrying on active Mining and other Operations in connexion with their Iron Works, and the *Dowlais* Iron Company are likely to acquire other Lands adjoining to those Railways and Deviation Railways, or Parts thereof respectively, and to use them for similar Purposes; and with respect to the Powers and Provisions of this Act, it is expedient that the special Provisions contained in Sections 13 to 16 (both inclusive) of "The Extensions Act, 1861," should be in force with respect to the Lands from Time to Time belonging to and so occupied by the *Dowlais* Iron Company: Therefore those Sections respectively, and the several Provisions thereof, are incorporated herewith, and shall be Part of this Act, and with respect to the Powers and Provisions of this Act shall be read and have Effect as if they were re-enacted in this Act with reference to so much of the Railways and Deviation Railways by this Act authorized, and the Works and Conveniences connected therewith, as will pass or be made through any Lands belonging or reputed to belong to the *Dowlais* Iron Company, and the Expression "the *Dowlais* Company" in this Act shall have the Meaning assigned to it by Section 18 of "The Extensions Act, 1861."

incorporated with this Act for Protection of *Dowlais* Iron Company.

14. Except only as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Dowlais* Iron Company.

Saving Rights of *Dowlais* Iron Company.

15. And whereas certain Mills and Ironworks belonging to *Anthony Hill* are supplied with Water from the River *Taff*, and the said *Anthony Hill* is also Lessee and Occupier of certain Lands numbered on Plan 182, 183, 187, 188, 174, 184, 185, in the said Parish of *Merthyr Tydfil*, and upon and over which or some of them the said Railways or One of them are or is intended to be made, and is in the Possession of certain Powers, Privileges, and Conveniences over and under such Lands as aforesaid reserved or given to him by certain Leases, and which Powers, so far as regards the Use of Water, are confirmed by the Provisions of the *Glamorganshire* Canal Act; and it is expedient that due Provision should be made to secure to the said *Anthony Hill*, and to the future Proprietors, Lessees, and Occupiers of the said Mills, Ironworks, and Lands, the Use of the Waters of the said River, and the full Enjoyment of the said Lands, in as full and ample a Manner as heretofore, and also to prevent any undue Interruption to him or them in the working of his and their said Mills and Ironworks, but so nevertheless as not to prevent the making, continuing, repairing, and maintaining of the said Railway as herein-after mentioned: Therefore it shall not be lawful for the Company, without the Consent in Writing of the said *Anthony Hill* or

For Protection of the Property of *A. Hill*.

[*Local.*]

30 B

the

*Brecon and Merthyr Railway Act, 1862.*

the Proprietors for the Time being of the said Works and Lands, or his or their Agent, to do any of the following Things; (to wit,)

1. Deviate the Railway laterally from the Line laid down on the said deposited Plans, or vertically from the Levels delineated on the said deposited Sections :
2. Take any more Land for the Line of Railway and the Works connected therewith than shall be necessary for Three Lines of Rails, with the requisite Cuttings, Embankments, Viaducts, and Arches thereof :
3. Bore, cut, or embank any of the other Lands (the Words "other Lands" in this Section meaning such of the Lands of the said *Anthony Hill* or the Proprietors and Occupiers of the said Works and Lands for the Time being as shall not be absolutely necessary for the Width of the Railway, and the Cuttings, Embankments, Viaducts, and Arches thereof), or lay any Spoil or other Material upon the other Lands, or dig or remove from the other Lands any Earth, Stone, Gravel, Sand, or other Materials, Timber or other Trees, or construct any temporary or permanent Works upon the other Lands, or enter upon, take, or use the other Lands for any other Purpose :
4. Use, obstruct, or interfere with any Tipping Ground, or alter or divert, raise or sink, any Carriage Road or other Road, Railway, Tramroad, Drain, Conduit, Watercourse, River, Canal, Brook, or Stream, or in any way whatever to impede, obstruct, or prevent the said *Anthony Hill*, or the Proprietors, Lessees, or Occupiers for the Time being of the said Works, in the Use and Enjoyment of any of the foregoing, in as full and ample a Manner as if this Act had not been passed :

And the Company shall do the following Things; (to wit,)

Make and keep in good Repair, to the reasonable Satisfaction of the said *Anthony Hill*, and the Proprietors, Lessees, and Occupiers for the Time being of the said Mills, Works, and Lands, all such Roads and Bridges over and Tunnels and other Communications under the Railway, and all other Accommodation Works as may from Time to Time be reasonably required, as shall effectually preserve to the said *Anthony Hill*, and the Proprietors, Lessees, and Occupiers for the Time being of the said Works, Mills, and Lands, the Use and Enjoyment of his and their said Works, Mills, and Lands, and of all his or their Powers and Privileges of Occupation and Mining, and of all Tipping Grounds, Roads, Railways, Tramways, Drains, Conduits, Watercourses, Rivers, Canals, Brooks, and Streams upon or connected therewith, or with his or their Lands, in the Parish of *Merthyr Tydfil*, in as full and ample a Manner as if this Act had not been passed; and in case the Company shall omit so to do, it shall be lawful for the said *Anthony Hill*, and such Proprietors, Lessees, and Occupiers for the Time being, after One

Month's

*Brecon and Merthyr Railway Act, 1862.*

Month's Notice in Writing to the Company, to make or repair any such Works as the Company shall have omitted to make or repair, and may recover from the Company all Expenses of and incident thereto, and all Loss and Damages consequent upon every such Omission of the Company, in any Court of competent Jurisdiction.

16. And whereas the said *Anthony Hill* is Lessee of certain Quarries now worked in the *Morlais Castle* Land numbered 220 on Plan: And whereas he has also certain Privileges for working Limestone and other Stone on Lands at or near *Cefn-coed-ycymmer* in the County of *Brecon* (and in the working thereof the Refuse and Waste are now being deposited on Ground contiguous to the Ground over which the proposed Railway is intended to be made): The Company shall make and keep in good Repair proper and sufficient Tunnels under or Bridges over Drains or such other Accommodation Works, and all other necessary Conveniences, for the said *Anthony Hill*, or such Proprietors, Lessees, and Occupiers for the Time being, as may from Time to Time be reasonably required by him or them for the Use and Exercise of all his or their Powers and Privileges of Occupation and working of the aforesaid Quarries in an effectual and economical Manner, and of depositing the Waste and Spoil thereof, in as full and ample a Manner as if this Act had not been passed; and in case the Company shall omit so to do, it shall be lawful for the said *Anthony Hill*, and such Proprietors, Lessees, and Occupiers for the Time being, after One Month's Notice in Writing to the Company, to make or repair any such Works as the Company shall have omitted to make or repair, and may recover from the Company all Expenses of and incident thereto, and all Loss and Damages consequent upon every such Omission of the Company, in any Court of competent Jurisdiction.

Accommodation Works for Quarries in Morlais Castle Land, &c.

17. The said *Anthony Hill*, and the Proprietors, Lessees, and Occupiers for the Time being of the aforesaid Works, Mills, Lands, and Quarries, shall be at liberty to form a Junction or Junctions between the said Railway and any Railway or Tramway now or at any Time hereafter belonging to him or them; and in case of any Difference as to the Kind of Junction or the Point or Mode at or in which the same shall be made, the same shall be determined by Arbitration in the Mode provided by the Sections of "The Railways Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration; and the said Railway Company shall, at their own Expense, put in the Points or Junction Rails for the Purpose of effecting such Junction.

As to Junctions with private Tramways.

18. It shall not be lawful for the Company, without the previous Consent in Writing of the *Merthyr, Tredegar, and Abergavenny* Railway Company, to enter upon, take, or use for the Purposes of the said Railway (on the deposited Plans and Sections called Line No. 8) any

Not to take certain Lands of the Merthyr, Tredegar

Portion

*Brecon and Merthyr Railway Act, 1862.*

and Aber-  
gavenny  
Railway  
Company  
without  
Consent.

Portion of the Lands which are coloured Pink on a Plan signed by *Edward Howes* Esquire, Member of Parliament, the Chairman of the Committee of the House of Commons to which this Act when a Bill was referred, and also signed by *John Gardner*, the Engineer of the *Merthyr, Tredegar, and Abergavenny* Railway Company, and *Henry Conybeare*, the Engineer of the Company, which Plan has been deposited in the Private Bill Office of the House of Commons.

Powers for  
compulsory  
Purchases  
limited.

19. The Powers of the Company for the compulsory Purchase of Land for the Purposes of the Railways by this Act fourthly and fifthly authorized shall not be exercised after the Expiration of Three Years from the passing of "The Extensions Act, 1861," and for the Purposes of the other Railways by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting  
Time for  
Completion.

20. The Railways by this Act fourthly and fifthly authorized shall be completed within Five Years from the passing of "The Extensions Act, 1861," and the other Railways by this Act authorized shall be completed within Three Years from the passing of this Act; and upon the Expiration of the respective Period by this Act limited for the Completion of any Railway all the Powers by this Act granted for making that Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Company to  
make Junc-  
tions with  
Vale of  
Neath Rail-  
way.

21. The Company shall not offer any Opposition to the obtaining by the *Vale of Neath* Railway Company of an Act of Parliament or Enactment in an Act providing that if the *Vale of Neath* Railway Company shall, before the opening for Traffic of the Railway No. 1 by this Act authorized, lay down on the *Merthyr* End of the *Vale of Neath* Railway (that is to say, between the Junction therewith of the connecting Railway next herein-after described and the *Vale of Neath* Railway Company's *Merthyr* Station inclusive) Rails adapted for the Passage over the same of Engines and Carriages on the Narrow Gauge, so that the same may be connected with the Narrow Gauge Rails on the connecting Railway, and for authorizing the Company to raise the Monies requisite for the Purpose, the Company shall, at their sole Expense, and within a reasonable Time after the opening for Traffic of the Railway No. 1 by this Act authorized, make and for ever thereafter maintain a connecting Railway near to *Merthyr Tydfil*, to form proper and sufficient Means of Communication by Railway between the Railway No. 1 by this Act authorized and the *Vale of Neath* Railway, and having a proper and convenient Junction with each of those Two Railways, and providing that the Points of Junction thereof with those Two Railways respectively, if not agreed on between the Company and the *Vale of Neath* Railway Company, shall be determined

*Brecon and Merthyr Railway Act, 1862.*

determined by a competent and impartial Civil Engineer, to be, on their or either of their Application, appointed by the Board of Trade.

22. If such an Act or Enactment be applied for, the Company shall not offer any Opposition to the Bill or Clauses for the Purpose of making Provision —

1. That the *Vale of Neath* Railway Company shall grant to the Company for a nominal Consideration a perpetual Easement or Right of using, for making and maintaining the Connexion Railway and the Junction thereof with the *Vale of Neath* Railway, and the necessary Works and Conveniences (if any) incident to that Junction, such Parts of the Lands of the *Vale of Neath* Railway Company as it is necessary so to use :

2. That all the Works, as well of Construction as of Maintenance and Repair, of and in connexion with the Junction of the connecting Railway with the *Vale of Neath* Railway, so far as the same are made on Lands of the *Vale of Neath* Railway Company, shall be from Time to Time executed by them, and the Junction shall be effected by means of Connexion Rails and Points of the Construction most approved, and laid in the Manner most approved, and to the reasonable Satisfaction of the *Vale of Neath* Railway Company's Engineer, and that the Expense of the Junction, and of all requisite Works for effecting the Junction, and of all Repairs thereof, shall be paid by the Company ; and that the Works for the Purpose on every Occasion shall be done to the reasonable Satisfaction of the *Vale of Neath* Railway Company's Engineer :

3. That the *Vale of Neath* Railway Company may from Time to Time on their own Land and on the Land of the Company erect, maintain, and alter such Signals and other Works and Conveniences connected therewith, and appoint and remove such Watchmen, Pointsmen, and other Servants, as the *Vale of Neath* Railway Company deem necessary for the Prevention of Danger to or Interference with Traffic at or near to the Junction of the connecting Railway with the *Vale of Neath* Railway, and the Working and Management of the Signals, Works, and Conveniences, and that the Control and Direction of the Watchmen, Pointsmen, and other Servants shall belong exclusively to the *Vale of Neath* Railway Company, and that One equal Moiety of the Costs and Expenses during every Half Year of erecting, maintaining, and altering the Signals, Works, and Conveniences, and of employing the Watchmen, Pointsmen, and other Servants, shall be borne by the *Vale of Neath* Railway Company, and the other equal Moiety thereof shall at the Expiration of every Half Year be repaid by the Company to the *Vale of Neath* Railway Company, and shall be

[Local.]

30 C

recoverable

Company  
not to oppose  
certain Pro-  
visions  
herein  
named of  
Bill relating  
to the Vale  
of Neath  
Railway.

*Brecon and Merthyr Railway Act, 1862.*

recoverable in any County Court or other Court of competent Jurisdiction :

4. That the Company shall have at all Times for their own Traffic whatsoever the User of the *Merthyr* End of the *Vale of Neath* Railway, and the *Vale of Neath* Railway Company's *Merthyr* Station, and the Works and Conveniences connected therewith, including Water Apparatus and Water Supply, and proper and sufficient Accommodation in that Station, including the Services of Clerks, Porters, and Servants of the *Vale of Neath* Railway Company ; and that from and after the Time of the opening for Public Traffic of the Railway No. 1 by this Act authorized, including the Connexion Railway, and the Completion of the Narrow Gauge Rails and Works and Conveniences on the Main Line of the *Vale of Neath* Railway, from and inclusive of their Station at *Merthyr* to and inclusive of their Station at *Neath*, the Company shall run daily each Way over their Railways or some Part thereof and the *Merthyr* End of the *Vale of Neath* Railway, and into and out of the *Merthyr* Station, at least Three Trains for the public Conveyance of Passengers, and at least Two Trains for the public Conveyance of Minerals and Goods :
5. That the Nature and Extent of the Accommodation, and the Terms and Conditions on which the Company shall have the User and the Accommodation respectively, shall, if not agreed on between the Company and the *Vale of Neath* Railway Company, be determined by a competent and impartial Person, to be, on the Application from Time to Time of the Two Companies or either of them, appointed by the Board of Trade.

Company in forming Railway under the *Vale of Neath* Railway not to acquire Ownership of Land, &c.

**23.** Notwithstanding anything in this Act contained, the Company shall not, for the Purpose of so forming or maintaining the Railways firstly or secondly by this Act authorized under the *Vale of Neath* Railway, acquire any Ownership of or in any Land or Property of the *Vale of Neath* Railway Company, but only an Easement or Right so to form and maintain and use those Railways respectively under the *Vale of Neath* Railway ; and the Company shall not for the Purpose of forming and maintaining those Railways respectively under the Line of the *Vale of Neath* Railway enter upon or interfere with the *Vale of Neath* Railway, or any of the Lands or Works of the *Vale of Neath* Railway Company, or execute any Work whatsoever under or affecting the same, until they shall have delivered to that Company a full and satisfactory Plan, with proper Drawings and Specifications of the Works intended to be executed under or affecting the *Vale of Neath* Railway, and the Works thereof, (that Plan and those Drawings and Specifications to be descriptive of the Manner of executing the proposed Works,) nor until the same shall have been examined and approved by the principal

*Brecon and Merthyr Railway Act, 1862.*

principal Engineer of the *Vale of Neath* Railway Company, or, in the event of his declining or failing within Twenty-one Days next after his Receipt of the same to approve thereof, until the same shall have been so examined and approved by an Engineer, to be appointed by the Board of Trade, upon the Request and at the Expense of the Company, and the same Works shall be executed according to such approved Plan, Drawings, and Specifications, under the Superintendence and to the reasonable Satisfaction of the principal Engineer for the Time being of the *Vale of Neath* Railway Company.

24. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the Rights, Privileges, Powers, or Authorities of the *Vale of Neath* Railway Company.

Saving  
Rights of  
Vale of  
Neath Com-  
pany.

25. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Nine thousand seven hundred and twelve Pounds Fourteen Shillings and Ninepence Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, purchased for the Sum of Eight thousand nine hundred and sixty Pounds, (being equal to Eight *per Centum* upon the Amount of the Estimate of the Expense of the Railways by this Act firstly and secondly authorized and declared Part of the general Undertaking of the Company, after deducting the estimated Expense of certain Portions of Railway for which those Railways are substituted,) and also a Sum of Five thousand six hundred and twenty-nine Pounds Sixteen Shillings and Threepence Stock in the same Annuities, purchased for the Sum of Five thousand one hundred and ninety-three Pounds Ten Shillings, (being more than Eight *per Centum* upon the Amount of the Estimate of the Expense of the other Railways by this Act authorized, and declared Part of the separate Undertaking of the Company, after deducting the estimated Expense of certain Portions of Railway for which some of those Railways are substituted,) have been transferred into the Name of the Accountant General of the Court of Chancery in *England* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sums of Stock so transferred as aforesaid in respect of the Application for this Act, or the Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, 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, unless the Company shall, previously to the Expiration of the respective Periods limited by this Act for Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the additional Capital by this

Security for  
Completion  
of Railway  
within Time  
limited.

Act

*Brecon and Merthyr Railway Act, 1862.*

Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to One Half of the said Capital; and if the said Periods respectively shall expire before the Company shall either have opened the Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Board of Trade, the said Sums of Stock so transferred as aforesaid, and the Dividends thereof, shall immediately from and after the Expiration of the said respective Periods be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; provided that at any Time after the passing of this Act if a Bond in twice the Amount of the Sum of Fourteen thousand one hundred and fifty-three Pounds Ten Shillings (being the aggregate of the said Sums of Eight thousand nine hundred and sixty Pounds and Five thousand one hundred and ninety-three Pounds Ten Shillings) shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of a Sum equal to the said Sum of Fourteen thousand one hundred and fifty-three Pounds Ten Shillings if the Company shall not, within the respective Times limited for the Completion of the Railways, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Board of Trade that the Company have paid up One Half of the Amount of the said additional Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of the Railways a Sum equal in Amount to One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then the said Sums of Stock so transferred, and the Dividends thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sums of Stock so transferred as aforesaid, and the Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Board of Trade that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Fact so certified.



*Brecon and Merthyr Railway Act, 1862.*

**26.** For the Purposes of the Tolls, Rates, and Charges to be taken thereon respectively, and for all other Purposes not in this Act otherwise provided for, the Railways by this Act firstly and secondly authorized, and the Works connected therewith, and the Lands acquired for the Purposes thereof, shall be deemed Part of the general Undertaking of the Company; and all other the Railways and Works by this Act authorized, and that Portion of the authorized Main Line which lies between the Commencement of the Railway by this Act firstly authorized and the Commencement of the Railway by this Act thirdly authorized, (and which Portion is required only for connecting with the authorized Main Line the other Railways forming the separate Undertaking,) and the Works connected therewith respectively, and the Lands acquired for the Purposes thereof respectively, shall be deemed Part of the separate Undertaking of the Company, and Tolls, Rates, and Charges may accordingly be levied and collected on those Railways and that Portion of Railway respectively: Provided always, that the maximum Charges to be made upon, for, or in respect of each Railway by this Act authorized, and on that Portion of Railway, shall not exceed those limited to be taken on that Undertaking of the Company of which that Railway or Portion of Railway is to be Part as aforesaid.

**27.** The *Merthyr, Tredegar, and Abergavenny* Railway Company, or other the Company or Companies or Persons from Time to Time having the Working or Management of the *Merthyr, Tredegar, and Abergavenny* Railway, on the one hand, and the Company, or other the Company or Companies or Persons from Time to Time having the Working or Management of the *Brecon and Merthyr* Railway, on the other hand, shall mutually and reciprocally from Time to Time afford all proper and sufficient Facilities, including Through Rates and Through Booking, for the Accommodation and Transmission of, and shall properly and sufficiently accommodate and transmit on their respective Railways between the Junction of the *Merthyr, Tredegar, and Abergavenny* Railway with the *Newport* Section of the *West Midland* Railway, and the Junctions of the *Brecon and Merthyr* Railway with the *Taff Vale* Railway and *Vale of Neath* Railway, or on any Parts of those their respective Railways, all Traffic which, having passed on either of those Railways, is from Time to Time tendered for Transmission on any other of those Railways, and also all Traffic which is from Time to Time tendered for Transmission on either of those Railways in order to its being afterwards transmitted on any other of those Railways.

**28.** All such Facilities for the Accommodation and Transmission of Traffic shall be afforded by the said Companies and Persons respectively, subject to such reasonable Rules and Regulations, and on Payment of such Tolls, Fares, Rates, and Charges, as the Companies or Persons interested from Time to Time agree on, or as, failing Agreement between

[Local.]

30 D

them,

*Brecon and Merthyr Railway Act, 1862.*

them, shall be determined under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator, to be in every Case agreed on between them, or, failing their Agreement on that Behalf, to be, on their or either of their Application, appointed by the Board of Trade, and the said Arbitrator shall have the Power to order the said Companies to invoice Goods through.

Abandonment of Part of authorized Works.

**29.** The Company shall abandon and relinquish the Construction of the following Portions of their authorized Lines of Railway; (to wit,)

So much of the Railways authorized by the original Act as lies between the Point at *Pant* up to which they are already constructed and the Termination of those authorized Railways where the same were intended to join the *Dowlais* Railway:

So much of the Railway by "The Extensions Act, 1861," first authorized as was intended to have been made between the Commencement and Termination of the Railway by this Act thirdly authorized:

So much of the Railway by "The Extensions Act, 1861," secondly authorized as was intended to have been made between the Commencement and Termination of the Deviation Railway by this Act fourthly authorized, and also between the Commencement and Termination of the Deviation Railway by this Act fifthly authorized.

Compensation to be made where Contracts have been entered into or Notices given.

**30.** In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were by the said recited Acts empowered to purchase, for the Purpose of constructing either of the Portions of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, or other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the Formation of the aforesaid Portions of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation Act, 1845," contained.

**31.** The

*Brecon and Merthyr Railway Act, 1862.*

**31.** The Section numbered 6 of "The Extensions Act, 1861," herein-before recited, is hereby repealed.

Sect. 6. of  
24 & 25 Vict.  
c. ccxxxv.  
repealed.

**32.** Except with the Consent in Writing thereto of the *Taff Vale* Railway Company under their Common Seal, the Company shall not use the Railways authorized by "The Extensions Act, 1861," or the Deviation Railways fourthly and fifthly herein-before described and by this Act authorized, for the Purpose of any Through Traffic requiring to pass over the entire Length of the Company's Railways between any Point of their Main Line from *Brecon* to *Merthyr* and the Railway of the *Rhymney* Railway Company, until they shall have completed and opened for Traffic the Railway by this Act firstly authorized, and shall have made the Junction between that Railway and the *Taff Vale* Railway.

Other Pro-  
visions sub-  
stituted.

**33.** The Rates *per* Mile and Terminal Charges to be charged by the Company in respect of each and every Description of Traffic passing or conveyed over their Railway or any Part thereof to or from the *Taff Vale* Railway and the *Rhymney* Railway, or any Part thereof respectively, shall at all Times hereafter be for the Time being the same.

Equal Rates  
to be charged  
in respect  
of Traffic  
on Railways  
herein  
named.

**34.** Except with the Consent in Writing of *Richard Wyndham Williams* Esquire, or other the Owners for the Time being of the *Brithdir* Estate situate in the said Parish of *Gelligaer*, the Company shall not open for Traffic any Portion of the Railway numbered 6 on the said deposited Plans and Sections until they shall have made and completed a Siding (with all necessary Points, Crossings, Signals, and other Conveniences) between the said last-mentioned Railway and some Point upon the said *Brithdir* Estate which shall be convenient for the Transmission of Traffic passing to or from the said Estate, and such last-mentioned Siding and Works shall be for ever maintained by and at the Expense of the Company; and if any Difference shall arise between the Company and the Owners for the Time being of the last-mentioned Estate as to the Cause or Extent of such Sidings, Works, and Conveniences, the same shall be determined, under "The Railway Companies Arbitration Act, 1859," by a single Arbitrator, to be in every Case agreed on by the Parties so interested, or, failing Agreement in that Behalf, to be, on their or either of their Application, from Time to Time appointed by the Board of Trade.

Siding to  
be made for  
the Conve-  
nience of the  
*Brithdir*  
Estate.

**35.** The Company may apply for the Purposes of the Railways by this Act firstly and secondly authorized any Monies raised or to be raised by them under the Acts or any of the Acts herein-before recited (excepting "The Extensions Act, 1861"), and for the Purposes of the Railways by this Act thirdly, fourthly, and fifthly authorized,  
any

Application  
of autho-  
rized Funds.

*Brecon and Merthyr Railway Act, 1862.*

any Monies raised or to be raised by them under "The Extensions Act, 1861."

Power to raise additional Money by new Shares.

**36.** The Company may from Time to Time (in addition to the Sums of Money which by the recited Acts they are authorized to raise) raise for the Purposes of the general Undertaking, and by the Creation of new Shares in that Undertaking, any Sums not exceeding in the whole One hundred and twelve thousand Pounds, and for the Purposes of the separate Undertaking, and by the Creation of new Shares in that Undertaking, any Sums not exceeding in the whole Sixty-five thousand Pounds, and may create the new Shares in each Undertaking respectively in One or more Classes, and of such Amount as will allow the same to be conveniently apportioned or disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company.

Names of Shares.

**37.** The Shares for raising the said Sum of One hundred and twelve thousand Pounds for the Purposes of the general Undertaking are herein-after comprised under the Term "General Shares," and the Shares for raising the said Sum of Sixty-five thousand Pounds for the Purposes of the separate Undertaking are herein-after comprised under the Term "Extension Shares."

Certain Profits to be Profits of general Undertaking ;

**38.** The Profits of the Railways by this Act firstly and secondly authorized shall be and be deemed Profits of the general Undertaking, and shall be applicable accordingly ; and the Holders of Extension Shares and of Shares created under "The Extensions Act, 1861," shall not in respect thereof have or be entitled to any Interest or Dividend out of the Profits of the general Undertaking.

and others of separate Undertaking.

**39.** The Profits of the Railways by this Act thirdly, fourthly, fifthly, sixthly, and seventhly authorized, and of the said Portion of Railway by this Act made Part of the separate Undertaking, shall be and be deemed Profits of the separate Undertaking, and the Profits of the separate Undertaking from Time to Time applicable to Dividend shall be applied wholly in Payment of Interest or Dividend on the Sums from Time to Time paid up on the Shares created under "The Extensions Act, 1861," and the Extension Shares created under this Act, *pari passu*, and the respective Holders of those Shares shall not in respect thereof be entitled to Interest or Dividend out of the Profits of the general Undertaking.

New Shares to bear a distinctive Title.

**40.** All new Shares created under the Powers of this Act shall be designated by a distinctive Title in the Books of the Company and on the Certificates issued for the same.

Votes and Qualifications for

**41.** The Extension Shares shall not confer any Right of voting or Interference at any Meeting of the Company on any Question or Proceeding

*Brecon and Merthyr Railway Act, 1862.*

ceeding which shall not directly affect the separate Undertaking, and any Director whose Qualification consist only or in any greater Proportion than One Half thereof of Shares in the separate Undertaking shall not vote or interfere at any Meeting of the Directors on any Questions or Proceeding which shall not directly affect the separate Undertaking.

Extension  
Shares.

42. The Company shall keep separate Accounts of all Receipts and Payments from, for, or on account of the separate Undertaking; and the Balance of those Receipts, after deducting, for Expenses of Working and Management, such a Proportion (not exceeding Fifty *per Centum per Annum*) of such Receipts as shall be determined by any Meeting of the Company before the Issue of such Shares, and also after deducting all Rates, Rents, and Taxes payable on or in respect of the Railways forming the separate Undertaking, and all Interest on borrowed Money for the Time being secured or charged upon those Railways, shall for the Purposes of this Act be deemed the Profits of the separate Undertaking applicable to Dividend.

For keeping  
separate Ac-  
counts and  
for ascer-  
taining  
divisible  
Profits.

43. The Powers of Subscription and taking Shares given to the *Taff Vale* Railway Company by the Eighteenth Section of the Act of 1860 shall extend and apply to the Undertaking and Capital of the Company as by this Act and the recited Acts authorized, and may be exercised accordingly.

Application  
of existing  
Powers of  
*Taff Vale*  
Company to  
subscribe.

44. The *Taff Vale* Railway Company may from Time to Time, with the Sanction of Three Fifths at least of the Votes of the Proprietors voting, personally or by Proxy, at some Extraordinary Meeting of that Company convened with Notice of this Purpose, subscribe any further Sums not exceeding in the whole Thirty thousand Pounds towards the Undertaking or any specified Portion of the Undertaking of the Company, and may to that Extent become Shareholders, and take and hold Shares in the Capital or any specified Portion of the Capital of the Company.

Power for  
the *Taff*  
*Vale* Com-  
pany to  
subscribe.

45. It shall not be lawful for the *Taff Vale* Railway Company, without the further Authority of Parliament in that Behalf, to sell or dispose of any Shares so taken by them in the Capital of the Company.

Shares taken  
by them to  
be retained.

46. The *Taff Vale* Railway Company may apply in Payment of the Amount of the Calls upon the Shares in the Company taken by them under the Powers of this Act and of the Act of 1860, and of such Sums as they may think fit to advance and may legally advance to the Company in anticipation of Calls, or of any Parts of those Amounts respectively, any Monies which the *Taff Vale* Railway Company may have raised or may for the Time being be authorized to raise by Shares or borrowing under the Provisions of any existing Acts relating to that

The *Taff*  
*Vale* Com-  
pany may  
apply any  
existing  
Funds to-  
wards their  
Subscription.

[*Local.*]

30 E

Company,

*Brecon and Merthyr Railway Act, 1862.*

Company, and which may not be required for the Purposes of those Acts respectively.

Power for the Taff Vale Company to raise Money by Shares or Stock.

47. The *Taff Vale* Railway Company may, with the like Sanction on the Part of their Proprietors, from Time to Time raise such Sums as may be required for the Purposes of their Subscription to the Undertaking, or any specified Portion of the Undertaking, of the Company, by the Creation of Shares or Stock in the Undertaking of the *Taff Vale* Railway Company of such Amount as the Meeting creating the same shall determine.

Privileges may be attached to certain new Shares.

48. With respect to the General Shares, the Company, and with respect to Shares or Stock in the *Taff Vale* Railway Company, that Company, may from Time to Time (with the Sanction of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at any Extraordinary Meeting convened with Notice of this Purpose,) attach to any Shares or any Class of Shares created by them under the Powers of this Act before the Issue of such Shares any Interest or Dividend, or any perpetual, terminable, fixed, variable, contingent, or absolute Preference or Priority of Interest or Dividend, not exceeding the Rate of Five Pounds *per Centum per Annum*, as to the Company creating the same shall seem fit; provided that at any Meeting of the Company held for the Purposes of this Section no Vote shall be allowed in respect of any Extension Share created under this Act, or of any Share created under "The Extensions Act, 1861," or of any Stock substituted for such Shares.

All Shares of same Class to bear same Dividend, &c.

49. Provided always, That all new Shares of the same Class created by either Company shall be of the same Amount, and shall bear and confer the same Dividends, Rights, and Privileges.

Saving existing Preferences.

50. Any Preference or Priority in the Payment of Interest or Dividend which may in pursuance of this Act be granted by the Company on any General Shares, or by the *Taff Vale* Railway Company on any Shares or Stock created by them under this Act, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any other Shares or Stock, payable out of the same Profits, which may have been granted by the same Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to this Act, or which may otherwise be lawfully subsisting.

Defining Profits applicable to preferential Dividends.

51. The General Shares created by the Company, and the Shares and Stock created by the *Taff Vale* Railway Company, under the Powers of this Act, shall respectively be entitled to the preferential Dividend (if any) which may have been attached to them by the Company creating the same as aforesaid out of the Profits of that Company

*Brecon and Merthyr Railway Act, 1862.*

Company in each Year applicable to Dividend on those Shares in Priority to the ordinary Shares and Stock in that Company entitled to Dividend out of the same Profits; but if in any Year ending the Thirty-first Day of *December* there shall not be Profits so applicable available for the Payment of the full Amount of such Preferential Dividend for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company, or (as the Case may be) the *Taff Vale* Railway Company.

**52.** Subject to the other Provisions of this Act, new Shares and Stock either Company created under the Powers of this Act shall, in proportion to the aggregate nominal Value of such Stock or Shares held by the same Person at the same Time, confer the like Qualifications and Right of voting as original Shares of the same aggregate nominal Value in the same Company would confer. Qualifications of new Shareholders.

**53.** Any new Shares or Stock created by either Company under the Powers of this Act may be disposed of in such Manner, and to such Persons, and on such Conditions, as that Company thinks fit. Disposition of new Shares.

**54.** The Amount of any One Call to be made upon the Proprietors of any new Shares created under the Powers of this Act shall not exceed the Rate of *Twenty per Centum* on the Amount of such Shares, and there shall be an Interval of Two Calendar Months at least between every Two successive Calls, and not more than Three Fourths of the Amount of each Share shall be called up in any One Year. Limit of Amount and Number of Calls.

**55.** If after having created any new Shares or Stock under this Act the Company creating the same resolve not to issue the same or any Class or Part thereof, they may cancel the Shares or Stock to which such Resolution applies, and in lieu thereof may create and issue other new Shares or Stock not exceeding the aggregate Amount unpaid upon the Shares or Stock so cancelled. Unissued Shares may be cancelled.

**56.** The Company may from Time to Time, with the Authority of any General Meeting, borrow on Mortgage (in addition to the other Sums which they are by this Act or any other Act authorized to borrow) any Sums not exceeding as follows; (to wit,) Power to borrow on Mortgage.

In respect of the additional Share Capital by this Act authorized for the Purposes of the general Undertaking, they may borrow for the Purposes of that Undertaking on the Security thereof, and of the Tolls, Rates, and Charges arising therefrom, any Sums not exceeding in the aggregate Thirty-seven thousand three hundred Pounds:

In respect of the additional Share Capital by this Act authorized for the Purposes of the separate Undertaking, they may borrow  
for

*Brecon and Merthyr Railway Act, 1862.*

for the Purposes of that Undertaking on the Security thereof, and of the Tolls, Rates, and Charges arising therefrom, any Sums not exceeding in the aggregate Twenty-one thousand six hundred Pounds.

Restrictions  
on borrow-  
ing.

**57.** The Company shall not borrow any Money, under the Powers of this Act, until the whole of the respective additional Share Capital in respect of which the same is by this Act authorized to be borrowed is subscribed for or taken, and One Half thereof is paid up, and the Company shall 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 that additional Capital is subscribed for or taken *bonâ fide*, and is held by Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same (of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence).

Priority of  
existing  
Mortgages.

**58.** All Mortgages granted by the Company before the passing of this Act, and which are in force at the Time of the passing of this Act, shall during their Continuance, and as regards the Undertaking or Portion of Undertaking thereby assigned, have Priority over all Mortgages granted by virtue of this Act, and attaching on the same Undertaking or Portion of Undertaking.

Rights of  
Mortgagees.

**59.** Any Mortgage made by the Company under the Powers of this Act shall not be a Charge upon or confer any Right or Remedy against any Undertaking, Tolls, Rates, Charges, or Calls, or against the Company in respect of any Tolls, Rates, Charges, or Calls, other than the Undertaking, Tolls, Rates, Charges, and Calls by such Mortgage expressed to be assigned.

Application  
of Monies  
raised under  
this Act.

**60.** All Monies which the Company are by this Act authorized to raise by Shares or Mortgages shall be applied only to the respective Purposes for which the same are by this Act authorized to be raised, and all Monies which the *Taff Vale* Railway Company are by this Act authorized to raise by Shares or Stock shall be applied only to the Purposes which that Company is by this Act authorized to execute.

Certain Pro-  
visions of  
8 & 9 Viet.  
c. 16. incor-  
porated.

**61.** The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Consolidation of the Shares into Stock, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the



*Brecon and Merthyr Railway Act, 1862.*

the borrowed Money into Capital, and with respect to the making of Dividends, shall be incorporated with this Act, and shall in all Particulars not otherwise provided for by or under the Powers of this Act respectively apply to all Shares and Capital created and to all Monies borrowed and Mortgages granted under the Powers of this Act by the Company or the *Taff Vale* Railway Company, as the Case may be; and in construing those Clauses and Provisions in connexion with this Act the Expression "the Special Act" shall mean this Act, the Expression "the Company" shall mean the *Brecon and Merthyr Tydfil Junction* Railway Company, or the *Taff Vale* Railway Company, as the Case may require, the Expression "the Undertaking" shall mean the Undertaking of the Company, or the *Taff Vale* Railway Company, as the Case may require, and the Term "Superior Courts" shall include any Court of competent Jurisdiction, unless in so far as there may be in either Case something in the Subject or Context repugnant to or inconsistent with such Construction.

**62.** The *Taff Vale* Railway Company, if they become Shareholders in the Undertaking of the Company, may from Time to Time appoint One Person (whether such Person shall hold Shares in the Company or not) to vote on their Behalf at any Meetings of the Company, and may from Time to Time revoke any such Appointment, and appoint any other Person on their Behalf: Provided always, that every such Appointment and Revocation shall be evidenced by some Instrument in Writing under the Hand of the Chairman for the Time being of the Directors of the *Taff Vale* Railway Company, which shall be delivered to the Company, and kept with their Records, and shall be at all reasonable Times open to Inspection and Transcription by all Persons interested.

Subscribing  
Company  
may appoint  
Persons to  
vote.

**63.** Until the contrary be shown, every Instrument purporting to be the Instrument of any such Appointment or Revocation, and under the Hand of the Chairman of the *Taff Vale* Railway Company, and without Proof of the Appointment or Removal or the Appointment or Revocation respectively having been duly authorized by that Company, or of any other Matter, except the Signature thereto, shall be sufficient Evidence of the Appointment or Revocation purporting to be thereby made: Provided always, that notwithstanding any Defect in any such Appointment of any Person be afterwards discovered, all his Votes on behalf of the *Taff Vale* Railway Company before the Discovery, and all Proceedings consequent thereon or relating thereto, shall be as valid as if he had been duly appointed.

Validity of  
such Instru-  
ments and  
Acts there-  
under.

**64.** The Sections of the Act of 1860 numbered respectively 30, 31, and 32, (being the Sections relative to Contracts or Arrangements between the Company and *David Davies* and *Thomas Savin*, their Executors, Administrators, or Assigns, with respect to the Maintenance, Repair,  
[Local.] 30 F and

Extending  
Traffic Ar-  
rangements  
with Indi-  
viduals to  
Extensions.

*Brecon and Merthyr Railway Act, 1862.*

and Management of the Railways and Works by that Act and the original Act authorized, and the Working and Management of the Traffic thereon, and any incidental Matters,) shall extend and apply to the Railways and Works by "The Extensions Act, 1861," and this Act, respectively authorized, or any Part thereof, and to the Assigns of the said *David Davies* and *Thomas Savin* with reference thereto: Provided always, that it shall not be lawful for the Company to make any such Contract or Arrangement for a longer Period than Ten Years in the whole from the making thereof.

No Interest  
or Dividend  
to be paid  
on Calls  
paid up.

**65.** The Company shall not, nor shall the *Taff Vale* Railway Company out of any Money by any Act relating to them respectively authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be created: Provided always, that either Company may pay to any such Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

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

**66.** The Company shall not, nor shall the *Taff Vale* Railway Company, out of any Money by any Act relating to them respectively authorized to be raised for the Purpose of such Act, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being in force, may be required to be deposited in respect to any Application to Parliament for the Purpose of obtaining an Act authorizing them to construct any Railway, or to execute any other Work or Undertaking.

Railways  
not exempt  
from Pro-  
visions of  
present and  
future  
General  
Acts.

**67.** Nothing in this Act shall exempt the Railways by this or the recited Acts authorized, or the Company, or any other Company, from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, nor from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Tolls for small Parcels, authorized by this or the said recited Acts.

Expenses  
of Act.

**68.** The Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1862.