



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO
VICTORIÆ REGINÆ.

Cap. cccxvi.

An Act to enable the *Neath and Brecon* Railway Company to extend their Railway to the *Central Wales Extension* Railway, and to construct a Branch to the *Banwen* and *Maesmarchog* Collieries; and for other Purposes.

[29th July 1864.]

WHEREAS the *Dulas Valley Mineral* Railway Company were incorporated by "The *Dulas Valley Mineral Railway Act, 1862*," (in this Act called "the Act of 1862,") 25 & 26 Vict. c. cxciii. and authorized to make and maintain a Railway from the *Vale of Neath* Railway, near *Neath*, in the County of *Glamorgan*, to the *Drim Common* in the County of *Brecon*: And whereas by "The *Neath and Brecon Railway Act, 1863*," the Name of the Company was changed to "*Neath and Brecon Railway Company*," and the Company was authorized to divert Portions of their said Railway, and to extend the same to the Town of *Brecon*: And whereas the Extension of the Railway so authorized to the *Central Wales Extension Railway* and the Construction of a Branch to the *Banwen* and *Maesmarchog* Collieries would be attended with great local and public Advantage, and the Company are willing and it is expedient that Powers should be conferred upon them to construct the same, and to raise the Capital required for that Purpose: And whereas Plans and Sections of the Railways and Works by this Act authorized, and 26 & 27 Vict. c. cxxx.

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Books of Reference to the Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands in which the same are to be made, have been deposited with the respective Clerks of the Peace for the Counties of *Glamorgan* and *Brecon*, and those Plans, Sections, and Books of Reference are herein-after referred to as "the deposited Plans, Sections, and Books of Reference:" And whereas it is also expedient that the Powers herein-after contained should be granted to the Company and to the *Central Wales Extension Railway Company*: And whereas the aforesaid Purposes cannot be accomplished 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 for all Purposes be cited as "*Neath and Brecon Railway Act, 1864.*"

8 & 9 Vict.
cc. 18. & 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," Parts I. and III. of "The Railways Clauses Act, 1863," and Parts I. and II. of "The Companies Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts respectively are expressly varied or excepted by this Act,) are incorporated with this Act.

Interpreta-
tion of
Terms.

3. The following Words and Expressions to which by the Acts and Parts of Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and the Expression "Superior Court," "Court of competent Jurisdiction," or other like Expression shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

Power to
take and use
Lands for
Works au-
thorized by
Act.

4. For the Purposes of the Railways and Works by this Act authorized, and subject to the Provisions of this Act, the Company from Time to Time may enter upon, take, and use such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think requisite, and, subject to the Provisions of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to Land, they may by Agreement purchase and use any Rights, Easements, or Privileges in or affecting those Lands, or any of them, without taking any other Estate or Interest therein.

Power to
Company

5. Subject to the Provisions of this Act, the Company from Time to Time may make and maintain in the Lines and according to the Levels

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Levels shown on the deposited Plans and Sections, and in and upon the Lands shown on the deposited Plans and specified in the deposited Books of Reference, the Railways and Works shown on the deposited Plans and next herein-after described.

to make
Works au-
thorized by
Act.

6. The Railways and Works shown on the deposited Plans, and by this Act authorized to be made and maintained by the Company, comprise the following Railways, with all proper Stations and other Works and Conveniences in connexion therewith respectively; (that is to say,)

Description
of Works
authorized
by this Act.

(1.) A Railway commencing in the Hamlet of *Maescar* in the Parish of *Defynog* by a Junction with the authorized Line of the *Neath and Brecon* Railway about Seventy-seven Yards Eastward of the Point denoting Fourteen Miles One Furlong on the Plan of that Railway deposited (under the Title "*Dulas Valley Mineral Railway Extension*") with the Clerk of the Peace for the County of *Brecon* in the Month of *November* One thousand eight hundred and sixty-two, and terminating in the Hamlet of *Tref-lys* in the Parish of *Llangammarch* by a Junction with the *Central Wales Extension* Railway at a Point in the Field numbered 105 on the Plan of the last-mentioned Railway deposited with the Clerk of the Peace for the County of *Brecon* in the Month of *November* One thousand eight hundred and fifty-nine, all in the County of *Brecon*:

(2.) A Branch Railway situated in the Parishes of *Ystradgunlais* in the County of *Brecon* and *Cadoxton-juxta-Neath* in the County of *Glamorgan*, commencing in the Hamlet of *Ellen* and *Llech* by a Junction with the Extension Railway authorized by the "*Neath and Brecon Railway Act, 1863*," at a Point about One Furlong from the Commencement of that Extension Railway on a Portion of the *Drim Common* numbered 3 on the Plan of that Railway deposited (under the Title "*Dulas Valley Mineral Railway Extension*") with the Clerks of the Peace for the Counties of *Brecon* and *Glamorgan* in the Month of *November* One thousand eight hundred and sixty-two, and terminating about Three hundred Yards Northward of the *Maesmarchog* Colliery in the Parish of *Cadoxton-juxta-Neath* in the County of *Glamorgan*.

7. Provided always, That so much of the Extension Railway which by the "*Neath and Brecon Railway Act, 1863*," the Company are authorized to construct between the intended Junction with the *Brecon and Merthyr Tydfil Junction* Railway at the Town of *Brecon* and the intended Junction with the *Brecon Junction* Railway at or near *Senny Bridge* in the Parish of *Defynock* in the County of *Brecon* shall have been made and opened to the Public at least Six Months

Railway No.
1. not to be
opened until
Portion of
Line autho-
rized by Act
of last Ses-
sion opened.

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Months before any Part of the Railway firstly herein-before described shall be opened to the Public.

Restrictions
upon Com-
pany in
making Rail-
way No. 1.

8. The Company shall in constructing the Railway be subject to the following Conditions and Restrictions:

- (1.) No Alteration shall be made in the existing Level of any Turnpike Road in the County of *Brecon*, excepting with the Consent in Writing of the County Roads Board, and all Works affecting any such Road shall be made to the Satisfaction of the Surveyor for the Time being of the said Board, or, in case of Difference, be determined in manner herein-after mentioned:
- (2.) No Highway shall be diverted, except with the previous Consent of the Highways Board within whose Jurisdiction the Road may be, and the Crossing of any such Road shall be made to the Satisfaction of the Surveyor of such Board, or, in case of Difference, be determined in manner herein-after mentioned:
- (3.) Any Question which may at any Time arise between the Engineer of the Company and any or either of the said Surveyors shall, on the Application of the Company, or of the County Roads Board or Highways Board, as the Case may be, be referred to and determined by an Engineer to be appointed at the Cost of the Company by the Board of Trade:
- (4.) So much of the Line of Railway as upon the deposited Plans lies between the Properties in the Parish of *Llandeilor Fan* numbered on the said Plans from 1 to 10 (both inclusive) shall be made in such Direction within the Limits of Deviation defined upon the said Plans as shall be required by *David Watkins Lloyd Esquire*, his Heirs or Assigns:
- (5.) So much of the Line of Railway as upon the said Plans is situate within the Parish of *Defynock* and between the Properties in the Parish of *Llywell* numbered on the said Plans from 1 to 16 (both inclusive) shall be constructed in such Direction within the Limits of Deviation as shall be required by the Reverend *Garnons Williams*, his Heirs or Assigns, and, excepting with his or their Consent, the Company shall not acquire more of the Property in the said Parish of *Llywell* numbered 5 on the said Plans than shall be necessary in constructing the actual Line of Railway as a double Line by a Tunnel through such Property; and the Bridge for carrying the Railway over the River *Ush* shall, unless otherwise agreed, be constructed as a Lattice Girder Bridge on Stone Piers, and either with open or closed Sides, as shall be required by the said Reverend *Garnons Williams*, his Heirs or Assigns.

9. Except

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9. Except for effecting the Junction by this Act authorized, subject to the Provisions of this Act and of the Acts incorporated therewith, it shall not be lawful for the Company, either temporarily or permanently, to interfere at all with any Land of the *Central Wales Extension Railway Company*, or which by the Acts of Parliament enabling them they are authorized to purchase, nor shall anything in this Act contained in anywise prejudice, alter, or take away any of the Rights, Powers, or Privileges of the *Central Wales Extension Railway Company*, but, except as aforesaid, all such Rights, Powers, and Provisions are (notwithstanding anything in this Act contained) expressly saved and reserved.

Saving Rights of Central Wales Extension Railway Company.

10. The Company may make the Roads next herein-after specified, when altered for the Purposes of this Act, of any Inclinations not steeper than the respective Inclinations following; (that is to say,)

Inclination of Roads.

Number of Road on deposited Plans.	Parish or Place in which the Road is shown on those Plans.	Description of Road.	Inclination of Road when altered.
155	Llandeilor Fan -	Public - -	1 in 15 on one Side and level on the other Side to the existing Road.
187a	Llandeilor Fan -	Public - -	1 in 16.
39	Llandulas or Tir-yr-abad.	Public - -	1 in 9 on one Side and level on the other Side to the existing Road.
3	Llangammarch -	Public - -	1 in 8 on one Side and level on the other Side to the existing Road.
40	Llangammarch -	Public - -	1 in 12 on one Side and level on the other Side to the existing Road.

11. The Quantity of Land near or adjoining the Railway which the Company may purchase by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed Five Acres.

Lands for extraordinary Purposes.

12. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

13. The Railway shall be completed within Five Years from the passing of this Act, and upon the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Limiting Time for Completion of Railway.

[Local.]

54 N

14. Whereas

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Security for
Completion
of Railways
within Time
limited.

14. 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, Eighteen thousand five hundred and twelve Pounds Seven Shillings and Tenpence, Three *per Centum* Consolidated Bank Annuities, equal in Value to the Sum of Sixteen thousand eight hundred Pounds, (being Eight *per Centum* upon Two hundred and ten thousand Pounds; the estimated Expense of the Railways by this Act authorized to be constructed,) has been transferred to the Account 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 Stock, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as herein-after 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 Period limited by this Act for Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the additional Capital of Two hundred and ten thousand Pounds by this Act authorized to be raised by them 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 Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Stock, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested 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 said Sum of Sixteen thousand eight hundred Pounds shall have been executed by the Company, with One or more Surety or 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 the Sum of Sixteen thousand eight hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the same for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that

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that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by them by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such 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 Stock, and the Interest or Dividends thereof, shall be transferred and paid 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, 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 Sum of Money, and the Interest or 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 Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

15. The Company and the *Central Wales Extension Railway Company* may from Time to Time enter into Agreements with respect to the following Purposes, or any of them; (that is to say,) Power to enter into Traffic Arrangements with other Railway Companies.

The Maintenance, Management, Use, and Working of all or some Portion of the Railways of the Company and of the *Central Wales Extension Railway Company*, and the Conveyance of Traffic on those Railways;

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, and arising in respect of such Traffic; and

The Supply and Maintenance of Engines, Stock, and Plant.

16. During the Continuance of any such Working Agreement the Railways of the contracting Companies shall for the Purpose of Tolls and Charges be deemed One Railway; and where any Passengers, Animals, Minerals, or Goods are conveyed partly on the Railways of One and partly on the Railways of the other of those Companies for a less Distance than Four Miles, Tolls and Charges may be demanded as for Four Miles only, and for each Mile or Fraction of a Mile beyond Four Miles as for One Mile only in respect of Passengers, and for each Quarter of a Mile or Fraction of a Quarter of a Mile beyond Four Miles as for a Quarter of a Mile in respect of Animals, Minerals, and Goods; and no other Short-distance Charge shall be made in respect of any such Traffic. Traffic not to be subject to more than One Short-distance Charge.

17. Nothing

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Saving exist-
ing Rights to
contract.

17. Nothing in this Act contained shall lessen or invalidate the Right to make Contracts which the Company may derive from the Acts relating to the Company, or from "The Railways Clauses Consolidation Act, 1845," or from the General Law.

Tolls on
Railways.

18. Subject to the Provisions of this Act and of the Act of 1862, the Company from Time to Time may demand and take in respect of all Passengers, Animals, and Things conveyed on the Railways by this Act authorized to be made and used by them, and for Carriages, Waggon, and Trucks respectively conveying the same, and for Locomotive Engines or other Power, and all other Matters with respect to Traffic thereon, the Tolls, Fares, Rates, and Charges which by the Act of 1862 the Company are authorized to demand and take for like Traffic, Services, and Matters on and with respect to their Railway by that Act authorized, and with and subject to the like Powers and Provisions as if the Railways by this Act authorized to be made and used by the Company were Part of their Railway authorized by the Act of 1862.

Railway to
form Part of
Company's
Under-
taking.

19. In all respects not by or under the Provisions of this Act otherwise provided for, the Railway by this Act authorized shall be and be deemed to be Part of the Undertaking of the Company.

Power to
raise Money
by new
Shares.

20. The Company may from Time to Time raise (in addition to the Sums authorized to be raised by Shares under the Powers of the recited Acts) any Sum, not exceeding in the whole Two hundred and ten thousand Pounds, by the Creation and Issue of ordinary Shares, either of One Class, or of different Classes, and of such Amounts as will allow the same to be conveniently appropriated and disposed of according to the Resolution of any Ordinary or Extraordinary Meeting of the Company; but the Company shall not issue any Share, nor shall any Share vest in the Person accepting the same, unless and until Twenty *per Centum* of the nominal Amount of such Share shall have been paid up in respect thereof.

Qualification
of new Share-
holders.

21. All new Shares in the Company created under the Powers of this Act shall, in proportion to the aggregate Amount of Capital in such Shares held by the same Person at the same Time, confer the like Qualifications and Rights of Voting as the like aggregate Amount of Capital in original Shares of the Company would confer.

Power to
borrow on
Mortgage.

22. The Company from Time to Time may borrow on Mortgage any Sums not exceeding in the whole Seventy thousand Pounds, in addition to the Sum which they are authorized to borrow under the recited Acts; but no Part of that Sum shall be borrowed until the whole

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whole of the additional Capital by this Act authorized to be raised by new Shares is subscribed for *bonâ fide*, and One Half of the Amount of that Capital is actually 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 Shares for the whole of such additional Capital are issued, and that Twenty *per Centum* was paid up on account of each separate Share at the Issue thereof, and that such Shares were taken *bonâ fide*, and are 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).

23. All Mortgages already granted by the Company and now in force shall, during the Continuance thereof respectively, have Priority over all Mortgages granted by the Company under this Act.

Priority of existing Mortgages.

24. The Mortgagees of the Company under this Act may enforce the Payment of the Principal and Interest due on their Mortgages by the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver is Seven thousand Pounds.

Arrears may be enforced by Appointment of a Receiver.

25. The Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Distribution of Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, 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 Money borrowed into Capital, with respect to the making of Dividends, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, 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.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated.

26. The Company shall apply any Money in their Hands, and also any Money that may be raised under the Authority of this Act by the Creation of Shares and by borrowing, for the Purpose of carrying the Provisions of this Act and the other Acts of the Company into execution, and for no other Use or Purpose whatsoever.

Application of Monies.

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Interest not
to be paid on
Calls paid
up.

27. The Company, or any other Railway Company to which this Act relates, shall not, out of any Money by this Act or any other Act relating to the Company or the other Railway Company authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of his Shares: Provided that the Company or the other Railway Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provision in that Behalf of "The Companies Clauses Consolidation Act, 1845."

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

28. The Company, or any other Railway Company to which this Act relates, shall not, out of any Money by this Act or any other Act relating to the Company or the other Railway Company authorized to be raised by Shares or by borrowing, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament, from Time to Time in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company or the other Railway Company to construct any Railway or execute any other Work or Undertaking.

Railway not
exempt from
Provisions
of present
and future
General
Acts.

29. Nothing in this Act contained shall exempt any Railway to which this Act relates from the Provisions of any present or future General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates and Charges by this Act or any other Act relating thereto respectively authorized, or the Rates for small Parcels thereby respectively authorized.

Saving
Rights of
Companies.

30. Except as is by this Act otherwise expressly provided, nothing in this Act contained shall take away, lessen, prejudice, or alter any of the Estates, Rights, Interests, Powers, or Privileges of the Company, or of any other Railway Company named in this Act.

Expenses of
Act.

31. All the Costs, Charges, and Expenses of and incident to the applying for, obtaining, and passing of this Act shall be paid by the Company.

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