



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cx.

An Act to amend the Acts relating to the *Taff Vale Railway.* [23d July 1840.]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Merthyr Tydfil to Cardiff, to be called "The Taff Vale Railway, with Branches,"* the *Taff Vale Railway Company* were incorporated, and empowered to construct and maintain the Railway, Branch Railways, and other Works in the said Act mentioned, and to raise by Subscription amongst themselves the Sum of Three hundred thousand Pounds, and to borrow and take up at Interest, on the Credit of the said Undertaking, the further Sum of One hundred thousand Pounds: And whereas by another Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to enable the Taff Vale Railway Company to alter the Line of the said Railway, and the Act relating thereto, and to make additional Branches,* the said Company were authorized to alter the Line of the said Railway, and to make certain additional Branches thereto as therein mentioned: And whereas the said Company have made very great Progress in the Execution of the Works authorized by the said recited Acts, and the whole of the Main Line of Railway from *Merthyr Tydfil* to the Termination thereof at *Cardiff*, together with certain of the Branches by the said Acts authorized, may, if the said Works are not interrupted, be soon open for the Passage of Carriages; but in consequence of various unforeseen Expences in the Purchase of Lands for the Purposes of the said Railway, and in the Completion of the said Works, it has been ascertained that the Money by the said first-mentioned Act authorized

6 & 7 W. 4. c. 82.

7 W. 4. & 1 Vict. c. 70.

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rized to be raised will not be sufficient to complete the said Railway and the several Branches therefrom, and other Works authorized by the said Acts, and to provide the necessary Conveniences for the Accommodation of the Public, so as fully to carry into effect the Purposes of the same: And whereas it is expedient that locomotive and stationary Engines or other Power, together with Carriages and other Conveniences requisite for the Accommodation of the Public, and for the Conveyance of Traffic upon the said Railway and Branch Railways, should be furnished or supplied by and be under the Regulations and immediate Superintendence and Control of the said Company, the Expence whereof was not adequately provided for by the said recited Acts, and it is therefore requisite that the said Company should be authorized to raise a further Sum or Sums of Money for the several Purposes aforesaid: And whereas in the said first-recited Act are contained Provisions for restricting the said Company from receiving more than Seven *per Centum* Profit on their Capital Stock until the Tolls thereby authorized to be taken should be reduced Twenty-five *per Cent.* or from, in any event, receiving more than Nine *per Cent.* Profit on their said Capital Stock, and it is expedient that the same should be repealed, and that certain other Powers and Provisions contained in the said recited Acts should be amended and enlarged: 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, That all the Powers, Authorities, Provisions, Regulations, Restrictions, Rules of Interpretation and Construction, Clauses, Matters, and Things contained in the said recited Acts or either of them, so far as the same are now unrepealed and in force, and except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for, shall extend and be construed to extend to this Act and the Powers hereby given, and to the Money hereby authorized to be raised, and the Shares to be issued, and to the Securities to be granted or executed in respect of or for securing the same or any Part thereof, and the Transfer of such Securities, and the Proprietors or Holders thereof, their Successors, Executors, Administrators, and Assigns, and to the Tolls and Charges by this Act authorized, and to the several other Purposes and Things hereby authorized to be effected and done, and shall, so far as the same may be applicable, operate and be in force in respect of the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Regulations, Restrictions, Rules, Clauses, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

Extending Powers of former Acts to this Act.

Power to create new Shares for the Purpose of this Act.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise, by Contribution among themselves or by the Admission of other Persons as Subscribers to the said Undertaking, or in Part by each of those Means, or by the Sale of Shares to be created as herein-after mentioned, and upon such Terms and Conditions

ditions as may be determined upon at any such Meeting, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the Whole the Sum of One hundred and sixty-five thousand Pounds, in addition to the Capital of Three hundred thousand Pounds, authorized to be raised by the said first-recited Act, and to the Sum of One hundred thousand Pounds thereby authorized to be borrowed, and for that Purpose to add to or increase the Amount of the Capital or Joint Stock of the said Company; and such additional Capital or Stock shall be divided into distinct and integral Shares of such Amount, and shall be appropriated and disposed of in such Manner, and by such Ways and Means, as by the Order of any such Meeting shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferrable as such, in the Manner provided and directed by the said first-mentioned Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Executors, Administrators, and Assigns, shall be, and they are hereby declared to be, Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares, as beneficially, to all Intents and Purposes, as the Proprietors of original Shares in the said Undertaking; and to such new Shares, and the Proprietors thereof, shall apply all the Powers to make Calls and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all other the Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, and Things contained in the said recited Acts, or either of them, with reference to the original Shares in the said Undertaking and the Proprietors thereof (except as to the Amount of such Calls, which Calls the Directors of the said Company are hereby empowered to appoint to be of such Amount, not exceeding Ten Pounds *per Centum*, as they may think fit, and save so far as any other of such Powers, Provisoos, Indemnities, Remedies, Clauses, Matters, or Things are by this Act expressly varied or altered); and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said *Taff Vale* Railway Company: Provided nevertheless, that the Proprietors of such new Shares shall only be entitled to Dividends or Profits in respect thereof in proportion to the Amount standing to the Credit of, and to be deemed and taken as paid-up Capital on, such Shares at the Time of declaring such Dividends respectively; Provided also, that the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote, unless possessed of some Share or Shares representing One hundred Pounds at least of the Capital Stock of the said Company.

III. Provided always, and be it further enacted, That it shall be lawful for the said Company, if they think proper, by and with the Consent in Writing of Two Thirds in Value of the Proprietors of Shares

For allowance of Interest on Capital.

Shares created under the said recited Acts or either of them, to be signified at or within Two Calendar Months after a Meeting specially convened for the Purpose, to provide and declare that the said new Shares shall bear any Rate of Interest which they shall think fit, not exceeding Five Pounds *per Centum per Annum*, to be paid on the Amount of the Capital paid in respect thereof, from Time to Time as the same shall be so paid out of the Money hereby authorized to be raised, and other the Funds of the said Company, until the Main Line of the said Railway shall be completed and opened, and until the First Day of *July* One thousand eight hundred and forty-three; and it shall be lawful for the said Company, if they shall think proper, with such Consent as aforesaid, to provide and declare that such new Shares shall, after such Completion and Opening, continue to bear any such Interest, either permanently or for any limited Period, to be paid out of the Income of the said Company, in preference to any other Dividends: Provided always, that all Parties holding Shares, but legally incapacitated, may give their Consent or Dissent by their Husbands, Committees, Guardians, or Trustees in manner aforesaid; and all Parties holding Shares, and being out of the Kingdom, may give their Consent or Dissent by their Special Proxy or Proxies, or other their Agent or Agents lawfully authorized to act for them; but if such Consent or Dissent of such incapacitated Persons or of Persons out of the Kingdom be not given, the Value of all Shares held by such Parties respectively shall not be taken into account in calculating the Two Thirds of Consents which are herein-before required.

Interest may be added to old Shares, if allowed on the new Shares.

IV. Provided also, and be it further enacted, That in case the said Company shall provide and declare that such new Shares shall have and bear any such Rate of Interest as lastly herein-before authorized, it shall be lawful for the said Company, at the same Time, and with the like Consent in Writing, to provide and declare that Interest at the same Rate shall be carried to the Credit of the Shares created under the said recited Acts or either of them, in augmentation of the Capital of such last-mentioned Shares respectively; such Interest to be computed on the several Instalments made or to be made payable in respect of such Shares from the respective Times of the same Instalments becoming due and payable, and in such Case the several Proprietors of such last-mentioned Shares shall be entitled to Dividends on the Amount of such augmented Capital.

Certificate to be Evidence of the Consent of Proprietors being given.

V. Provided also, and be it further enacted, That a Certificate under the Hand of the Chairman or Deputy Chairman, and verified by the solemn Declaration in Writing of the Secretary or Clerk for the Time being of the said Company, stating that such Consent in Writing of Two Thirds in Value of the Proprietors of Shares created under the said recited Acts or either of them has been given, within the Period and in manner herein-before required, with regard to the Allowance of Interest upon the new and old Shares, or upon the new Shares alone as herein-before authorized, shall be conclusive Evidence in all Courts whatsoever of the Facts stated in any such Certificate.

VI. And

VI. And be it further enacted, That when and so soon as the Whole of the said additional Sum of One hundred and sixty-five thousand Pounds shall have been subscribed for in manner required by the said first-recited Act with regard to the Capital thereby authorized to be raised, and when and so soon as One Half of the Money herein-before authorized to be raised shall have been paid up, it shall be lawful for the said Company, by Order from Time to Time of any General or Special General Meeting of the said Company, to borrow and take up at Interest, in addition to the Sum which they are by this Act authorized to raise as aforesaid, any Sum or Sums of Money not exceeding in Amount in the whole the Sum of Fifty-five thousand Pounds, and to secure the Repayment thereof with Interest in like Manner as the Sums authorized to be raised by Mortgage by the said first-recited Act (but subject and without Prejudice to any Mortgage made or to be made pursuant to the said recited Acts or either of them, and to the prior Right of Payment of the Holder of every such last-mentioned Mortgage): Provided always, that such Securities, and the Dividends and Interest to arise thereupon, shall not be transferrable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be stated.

Power to raise Money on Mortgage.

VII. And be it further enacted, That all and every the Powers and Provisions contained in the said recited Acts with regard to the compulsory Purchase or taking of Lands for the Purposes of the said Railway, except so far as the same may be altered or repealed by this Act, shall, so far as the same relate to the Purchase and taking of the Lands delineated on the Plans and described in the Books of Reference referred to by the said several Acts, and which are situate in the several Parishes, and belong to or are reputed to belong to the several Persons whose Names are mentioned or referred to in the Schedule to this Act, shall be and the same are hereby revived and re-enacted, and shall continue and be in full Force for the Term of Two Years from the passing of this Act, as fully in every respect as if the same several Powers and Provisions had been herein repeated, and as if the same had not expired.

Time revived and re-enacted for taking Lands mentioned in Schedule.

VIII. And be it further enacted, That it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, whether capacitated or incapacitated, or to be found or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers of the said recited Acts or this Act in case they had been sole, of full Age, and of sound Mind, and for and on behalf of their Cestuisque Trust, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, to contract for, sell, release, and convey to the said Company, any Lands which may

As to Contracts and Conveyances by incapacitated Persons.

be required to be taken or used for the Purposes of this or the said recited Acts, or to agree for the Amount of any Compensation payable under the Provisions of the said recited Acts or this Act; and all Contracts and Agreements heretofore made with and Conveyances executed by any such Parties as are hereby authorized to contract for, sell, and convey Lands as aforesaid, shall be valid and effectual for the Purpose of vesting the said Lands in the said Company.

Incapacitated Persons may sell further Lands to the Company.

IX. And be it further enacted, That all Corporations and Persons by the said recited Acts or this Act capacitated to treat and agree with the said Company for the Sale and Conveyance of Land required for the said Undertaking, may and they are hereby empowered, at any Time or Times hereafter (if they shall be willing so to do), to treat and agree with the said Company for the Sale and Conveyance of any further Land that may be required for the Purposes of the said Undertaking, notwithstanding the Period by the said Acts or this Act limited for the compulsory Purchase of Land may have expired, but subject nevertheless to the Provisions and Restrictions as to the Quantity of Land and otherwise in the said recited Acts and this Act contained.

Company empowered to purchase the Interest in Lands, the Purchase whereof may have been omitted by Mistake.

X. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which, under the Provisions of the said recited Acts or either of them, they were authorized to purchase, and which shall be permanently required for the Purposes of the said Railway, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands, which Estate, Right, Interest, or Charge the said Company shall have failed or omitted duly to purchase or to pay Satisfaction or Compensation for, then, and whether the Period granted for the Purchase of Lands shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands, provided the said Company shall, within Six Calendar Months after Notice of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the said Company, or in case the same shall be disputed, then within Six Calendar Months after the Right to such Estate, Interest, or Charge shall have been finally established by Law in favour of the Party claiming the same, purchase or pay Compensation or Satisfaction for the same, and shall also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits which would have accrued to such Parties respectively in respect of such Lands, during the Interval between the Entry of the Company thereon and the Establishment of such Claim or Right as aforesaid, if the said Company had not entered on such Lands, so far as such Mesne Profits may be recoverable in Law or Equity, as the Case may be; such Purchase Money, Compensation, or Satisfaction, to be agreed on or awarded and paid in like Manner as according to the Provisions in the said first-recited Act contained the same respectively would have been agreed on or awarded and paid, in case the said Company had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as Circumstances will admit.

XI. And

XI. And be it further enacted, That in estimating any Compensation to be given for any such Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest, and Profits, without regard to any Improvements or Works made on the said Lands by the said Company, and as though the said Railway had never been constructed.

How Value of such Lands to be estimated.

XII. And whereas the said first-recited Act contains certain Provisions for enabling the said Company, after such Notice as thereby required, to enter upon and take temporary Possession of Lands adjoining or lying near to the said Railway and Works for the Purposes therein particularly mentioned, without having previously made any Payment, Tender, or Investment of Money as referred to by the said Act, provided the said Company should, if required, enter into such Bond as therein referred to, and agree for the Payment of a fixed Annual Rent, and make Compensation and Satisfaction to the Owner of such Land for the permanent Damage and Injury (if any) which might be done to the same, and separate and set apart so much of the Land so required to be used from the other Lands adjoining thereto as in the said Act particularly mentioned: And whereas it is expedient that the said several Provisions should be repealed, and others substituted in lieu thereof; be it therefore enacted, That the several Provisions in the said first-recited Act contained to the effect herein-before mentioned or referred to shall be and they are hereby repealed.

Repealing Clause as to Compensation to be made for temporary Damage.

XIII. And be it further enacted, That subject to the Provisions herein-after contained, and save as herein-after provided, the said Company may and they are hereby empowered, at any Time or Times before the Expiration of the Period by the said first-recited Act and this Act limited for the Completion of the said Railway, and without making any previous Payment, Tender, or Deposit, to enter or continue upon the Lands of any Person or Corporation, not being more than Two hundred and fifty Yards distant from the Centre of the said Railway, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being nearer to any Mansion House belonging to the Owner of the said Lands than Five hundred Yards, and upon any existing private Roads, not being more than Five hundred Yards distant from the Centre of the said Railway, and to use the said Lands for the Purpose of permanently depositing Spoil thereon, or of taking Earth or Soil by Side Cuttings therefrom, or of obtaining Materials for the Formation of the Railway therefrom, or of forming Roads or Approaches thereon to and from or over or under the said Railway, or of occupying the said Lands during the Construction or

Power to take temporary Possession of Land without previous Payment of Price.

of the said Railway, and for these Purposes, or any of them, or to work or manufacture Sand, Stones, Bricks, Slates, Limestone, or any other Thing, or to dig, cut, get, take, remove, and carry away out of or from such Lands, or any Part thereof, any Soil, Gravel, Clay, Sand, Stone, or other Things which can or may be got or found therein, and to manufacture the same, and to use the said existing

existing private Roads, the said Company giving Notice to the Owners and Occupiers of such Lands, and making Compensation in manner after mentioned.

Company to give Notice previous to such temporary Possession.

XIV. And be it further enacted, That before entering upon any such Lands, the said Company shall, in case the same are required for Spoil Banks or for Side Cuttings, or for obtaining Materials for the Construction or Repair of the said Railway, (except in the Case of Accident to the said Railway requiring immediate Reparation,) give Six Weeks Notice of their Intention to enter upon the same, for such Purposes, to the Owners and Occupiers thereof, in such Manner as Notices of Proceedings before Juries are required to be given by the said first-recited Act; and in case the said Lands are required for any of the other Purposes herein-before mentioned, the said Company shall (except in the Cases aforesaid) give Ten Days Notice in manner aforesaid of such their Intention to the said Owners and Occupiers, and in either Case the said Company shall (if required) separate and set apart the said Lands from the other Lands adjoining thereto: Provided always, that if the said Lands are required for any of the Purposes in respect of which a Notice of Six Weeks is herein-before provided, it shall be in the Power of the Owner of the Lands therein referred to, within Ten Days after Service of such Notice, to object to the said Company making use thereof, on the Ground that other Lands lying contiguous thereto, and which the said Company may be authorized to take under the Provisions of the said recited Acts, or either of them, or of this Act, might be more beneficially occupied for such Purpose by the said Company, and with less Objection to the said Owner; and in such Case if the said Company shall refuse to occupy such other Lands in lieu of the Lands referred to by them in the said Notice, it shall be lawful for any Two Justices assembled in Petty Sessions for the District where the said Lands wholly or in part lie, on the Application of the said Owner, to summon the said Company and the Owner of such other Lands to appear before them at any Time not being more than Fourteen Days after such Application, nor less than Seven Days from the Service of such Summons on the said Company and on the said Owner or his Agent; and on the Hearing of such Summons to determine summarily which of the said Lands shall be occupied by the said Company for such Purposes as aforesaid, and to authorize the said Company to occupy the same accordingly: Provided always, that if it shall appear to the said Justices from such Inquiry before them, that the Lands of any other Person not summoned before them, and which the said Company may be authorized to take or use, would be more suitable to be occupied by the said Company than the Lands of any Person who may have been so summoned as aforesaid, it shall be lawful for the said Justices to adjourn such Inquiry, and to summon such other Person to appear before them at any Time not being more than Fourteen Days nor less than Seven Days from the Service of such Summons on such Owner or his Agent, and on the Hearing of such last-mentioned Summons to determine finally which Lands the said Company shall occupy, the Quantity thereof being fully adequate for the Purposes mentioned in their Notice:

Notice: Provided also, that before entering upon any such Lands as shall be required for Spoil Banks or for Side Cuttings, or for obtaining Materials as aforesaid, the said Company shall, if required by the Owner thereof, Seven Days at least before the Expiration of the Notice to take such Lands as herein-before mentioned, find Two sufficient Persons who shall enter into a Bond to such Owner in a Penalty of the Amount of Fifty Pounds *per Acre*, conditioned for the Payment of such Compensation as may become payable in respect of the same in manner herein-after mentioned, such Sureties to be approved of by any Justice of the Peace of the County in which the said Lands or any Part thereof shall be situate, in case the Parties differ about the same.

XV. And be it further enacted, That where the said Company shall, in virtue of the Powers herein-before conferred on them, enter upon or continue in the Possession of any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials for the Construction or Repair of the said Railway therefrom, it shall be in the Power of the Person or Corporation by the said first-recited Act or this Act capacitated to sell and convey the said Lands, and of the Occupier thereof, at any Time during the Possession of the same by the said Company, to require the said Company to purchase the said Lands, and their Rights and Interests therein, by serving a Notice in Writing on the said Company, setting forth the Particulars and Amount of their Claim in respect thereof, and the said Company shall thereupon be bound to purchase the said Lands and Rights and Interests therein accordingly; and the Value of such Lands, and the Compensation payable therefor to the said Owner and Occupier, shall, in case of Difference, be settled and ascertained in like Manner as in the said first-recited Act is provided with respect to the Purchase of Lands required for the Purposes of that Act: Provided always, that in case the Amount so claimed shall not exceed the Sum of One hundred Pounds, the same shall, in case of Dispute, be settled and ascertained by Two or more Justices of the Peace, in like Manner as Damages to a small Amount are by the first-recited Act required to be ascertained and determined.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

XVI. And be it further enacted, That where the said Company shall not be required to purchase the said Lands, and in all other Cases where they shall enter upon or continue in the temporary Possession of Lands in virtue of the Powers herein-before granted, they shall be obliged, within One Month after their Entry upon such Lands if not already entered upon, and within One Month after the passing of this Act if the same have been already entered upon, under a Notice served on the Owner or Occupier in Terms of the said first-recited Act, upon being required so to do by a written Notice setting forth the Particulars and Amount of his Claim, to agree with the Occupier of the said Lands for the Payment of the Value of any Crop or Dressing that may be thereon, and of an annual Sum by way of Rent for and during their Occupation thereof, and shall also within Six Calendar Months after they have ceased to occupy the said Lands, and not later than Six Calendar Months after the Expiration of the Time by the said first-recited

Provision as to fixing Compensation for Ground temporarily occupied.

Act and this Act limited for the Completion of the said Railway, upon being required by the Owner and Occupier of the said Lands, by a written Notice setting forth the Particulars and Amount of their Claim, agree with such Owner and Occupier for the Payment of any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers herein-before granted; and the Amount of such permanent Damage, or the Value of any Crop or Dressing that may be on the said Lands, and the Rent payable in respect thereof, for and during the Company's Possession, shall, in case of Difference, be settled and ascertained in like Manner as is herein-before provided with respect to Land which the said Company may be required to purchase as herein-before mentioned.

Certain Highways may be crossed on a Level.

XVII. And whereas the said Railway crosses Two several Highways not being Turnpike Roads, which are distinguished on the Plan and in the Books of Reference referred to by the first-recited Act by the Numbers 52 *a* in the Parish of *Merthyr*, and 25 in the Parish of *Egltwysilan*, the Traffic upon which is very inconsiderable, and in consequence of the Proximity of the said Roads to the River *Taff*, to which they respectively lead, and which is crossed by means of Fords near to the Spots where the said Railway is intended to be carried across the said Roads, it has been found impracticable to carry the said Railway across the said Roads by Bridges in manner required under the said recited Acts; be it therefore enacted, That it shall be lawful for the said Railway to be carried across the said Highway numbered 52 *a* in the Parish of *Merthyr* upon the same Level therewith, if Two Justices of the District where the said Road is situate shall consent thereto; and it shall also be lawful for the said Railway to be carried across the said Highway numbered 25 in the said Parish of *Egltwysilan* upon the same Level therewith, subject to the like Consent as herein-before required, and provided the Owner of the Land through which the said last-mentioned Road passes and the Most Honourable *John Crichton Stuart* Marquis of *Bute* shall consent in Writing to the same being so crossed on a Level: Provided always, that in case the Most Honourable *John Crichton Stuart* Marquis of *Bute* and the Owner of the said Land shall not give their Consent to the same being so crossed on a Level, then the same shall be crossed by means of a Bridge of the same Height as other Bridges over the said Railway, and with a gradual Descent from such Bridge to the Bank of the River, notwithstanding the Inclination of the same may be greater than the Inclination required by the Provisions of the said recited Acts or either of them: Provided always, that Notice of the Intention to apply to the said Justices for their Consent so to carry the said Railway shall be affixed to the Doors of the Church of the said Parishes respectively for Two successive *Sundays* prior to such Application, and the Decision of the said Justices shall be subject to Appeal at the first practicable Quarter Sessions of the said County of *Glamorgan* next ensuing the making of such Order, but not at any subsequent Quarter Sessions.

Providing against Accidents

XVIII. And whereas the Line of the said Railway passes over a Mineral District, and serious Injury may ensue unless due Provision be

be made against any Casualties from the falling in of Mines or other like Accident on the Line of the said Railway; be it therefore enacted, That if at any Time hereafter, from the happening of any such Casualty as aforesaid, or from the reasonable Apprehension thereof, to be certified after Inspection by some Surveyor not in the Employ of the said Company, any Part of the Line of the said Railway (except such as may be within the Parishes of *Saint Mary* or *Saint John* in *Cardiff*), shall be obstructed or the Safety thereof endangered, it shall and may be lawful for the said Company, after reasonable Notice to the Occupier, with reference to the Emergency of the Case, to occupy and use temporarily sufficient Lands adjoining to the Line of the said Railway, for the Purpose of making such Repairs or new Works as may be required for removing, remedying, and preventing such Obstruction or Danger, and for the Purpose of laying down and constructing thereon such additional Line or Lines of Railway and Works as may be necessary for the keeping open the Communication of the said Railway in the mean while, and until the said Obstruction or Danger shall have been as aforesaid effectually removed, remedied, and prevented, paying, nevertheless, full Compensation to the Owners, Lessees, or Occupiers, as the Case may be, of the said Lands; the Amount, in case of Dispute, to be ascertained and assessed in manner herein-before provided in case of Compensation for the temporary Occupation of Lands: Provided always, that in the Exercise of any of the Powers herein contained, so far as the same affect the Lands now belonging to or occupied by the *Penydarran* Iron Company, Messieurs *R. and A. Hill*, and the *Dowlais* Iron Company respectively, the Railway Company shall be bound by all such Protections and Restrictions as are contained in the said recited Acts or this Act with regard to such Lands, except so far as may be *bonâ fide* necessary for the removing, remedying, or preventing such Obstruction or Danger as aforesaid; and in case any of the Lands now in the Occupation of the said Messieurs *R. and A. Hill*, the said *Penydarran* Iron Company, or the said *Dowlais* Iron Company, or any of them, shall at any Time hereafter be required by the said Railway Company for temporary Use and Occupation as aforesaid, the Owners, Lessees, or Occupiers, as the Case may be, of such Lands respectively, or their respective Agents, may within Six Hours of Daylight, after a Notice shall have been served at their respective Works that such Lands will be required by the said Railway Company as aforesaid, set and mark out sufficient Land adjoining to the Line of the said Railway, and as convenient as may be, to be used and occupied by the said Railway Company for the Purposes aforesaid; and in case the said Owners, Lessees, or Occupiers respectively shall within the Time above specified neglect or refuse to set and mark out the Land so to be used and occupied by the said Railway Company as aforesaid, it shall be lawful for the said Railway Company to set and mark out such Lands as they shall require for the Purposes aforesaid, and to enter thereon accordingly: Provided always, that the said Occupation of the said Lands or of any Lands so temporarily occupied is not to be extended beyond such Time as may be reasonably required for repairing and restoring the original Line of the said Railway.

from sinking
of Mines.

Explaining Provisions as to Line through Lands of the Penydarran Iron Company.

XIX. And whereas it is provided by the secondly herein-before recited Act that the Line of the said Railway and the Spaces to be occupied thereby which should pass along or over the Lands or Mining or Mineral Grounds in the Occupation of or under Mining Lease to the *Penydarran* Iron Company, should be the exact Line and Spaces marked out and agreed upon before the passing of the said Act by and between the Engineer of the said Railway Company and the Agent of the said *Penydarran* Iron Company; and that nothing in the said Act or in the therein and firstly herein-before recited Act contained should authorize or empower the said Railway Company to deviate from or alter such Lines or Spaces as last aforesaid, to an Extent which should at any one Spot exceed Twenty Yards altogether, either on one Side or on both Sides of such Line or Spaces as aforesaid, without the Consent in Writing of the said *Penydarran* Iron Company or such Proprietors for the Time being as aforesaid being first had and obtained; and that, notwithstanding any thing to the contrary in that or in the said first-recited Act contained, the said Railway Company should not be authorized, save to the Extent aforesaid, to enter upon or to use or occupy any Lands or Grounds adjoining or lying near to the said Line or Spaces as aforesaid for the Purposes of the said Act, nor for the several Purposes in the said Act particularly mentioned with reference thereto: And whereas the exact Line and Spaces so to have been taken by the said Company for the Purposes of the said Act were intended to have been marked out and agreed upon during the Progress of the said Act through Parliament as in the said Act mentioned, but the same was not nor has the same ever yet been done, and it is therefore expedient to confirm by this Act the Lands which the said Railway Company may take and use for the Purposes of the said Railway belonging or under Lease to the said *Penydarran* Iron Company; be it therefore enacted, That the special Provisions in the said Act contained with reference to the Line of the said Railway, and the Spaces to be occupied thereby, and the Lands adjoining thereto, shall apply only to such Line and Spaces as may be determined upon by the Engineer of the said Railway Company under the general Provisions of the said Acts, or as shall be mutually agreed upon between the said Railway Company and the said *Penydarran* Iron Company, and shall be subject to such Alterations or Modifications (if any) as may be mutually agreed upon; and if they shall not mutually agree, then the Line laid down in the Map or Plan and Section deposited with the Clerk of the Peace as in the said secondly-recited Act mentioned shall be deemed and taken to be the Line intended by the said Act.

Repealing Provisions restricting the Profits of the Company.

XX. And whereas by the said first-recited Act the Profits divisible among the Proprietors of the said Company are limited to a Rate not exceeding, under certain Circumstances therein mentioned, *Seven per Centum*, and under other Circumstances not exceeding *Nine per Centum*, on the Amount paid up in respect of each Share in the said Undertaking; and by the said Act the Rates payable on the said Railway are required to be reduced in manner therein mentioned when more than sufficient to pay such Profit as aforesaid, and for such Purpose an Account of the Receipts and Disbursements of the

the said Company is required to be rendered annually to the Justices of the Peace of the County of *Glamorgan*, at their *Michaelmas* Quarter Sessions; and Six of the largest Freighters on the said Railway are by the said Act authorized to become *ipso facto* Directors of the said Company: And whereas it is expedient that such Provisions should be repealed; be it therefore enacted, That so much of the said first-recited Act as limits the Profits to be divisible among the Proprietors in the said Company, and as requires the said Company to furnish an Account of their Receipts and Disbursements to the Justices of the said County of *Glamorgan*, or enacts that the Rates payable on the said Railway shall be under any Circumstances reduced, or that Six of the largest Freighters on the said Railway shall be entitled as such to be Directors of the said Company, shall be and the same is accordingly hereby repealed.

XXI. And whereas there is no adequate Provision in the said recited Acts for the Use of the Stationary Engines or Machinery of the said Company on any Inclined Planes, or of the Shipping and Landing Places and Wharfs which the said Company are authorized to make, be it therefore enacted, That all and every the Person or Persons using the said Railway under the Powers of this or the said recited Acts, or requiring to bring any Ship, Barge, or other Vessel to any such Shipping or Landing Place or Wharf, or to load or unload the same from, on, or to the said Railway, shall and may have for such Purposes the Use of such Stationary Engines, Machinery, Shipping and Landing Places, and Wharfs, upon such reasonable Payments as shall be required by the said Company, and subject to such reasonable Regulations and Directions as the said Company shall from Time to Time make for the Safety and Convenience of the Persons using or requiring to use the same and of the Public, and which Regulations they are hereby empowered to make: Provided always, that the Charge to be made by the said Company for the Use of any Stationary Engine or Machinery for working the Inclined Plane on the Branch Railway leading from *Dowlais* to the Main Line at or near *Merthyr Tydfil* shall not exceed Two-pence *per* Ton upon the Goods, Wares, or Merchandize, Materials or Things, conveyed thereon; and the Charge to be made for the Use of any Stationary Engine or Machinery for working any other Inclined Plane on the said Railway, or any Branch thereof, shall not exceed One Penny *per* Ton upon the Goods, Wares, or Merchandize, Materials or Things, conveyed thereon respectively; and the Charge to be made for the Use of any Shipping or Landing Place at or near *Cogan Pill*, in respect of any Coal, Iron, or other Mineral Produce shipped or landed thereon or therefrom, shall not exceed Sixpence *per* Ton; such several Charges being in addition to the other Charges by the said recited Acts or this Act authorized; provided always, that notwithstanding any thing in the said recited Acts or in this Act contained, the Rates, Tolls, and Charges for Conveyance which the said Company shall be authorized to charge for any Limestone, Coal, or Ironstone or Iron-ore, which shall be brought over or along the Branch leading from the *Castle Morlais* Quarries to *Dowlais*, and from thence to the Main Line at or near *Merthyr Tydfil*, or over or along any Part of the said Branch, shall be calculated only at the Rate *per* Ton *per* Mile in the said Acts pro-

Charges to be made for Stationary Engines, &c.

[*Local.*]

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vided,

vided, and according to the actual Distance upon the said Branch over or along which such Limestone, Coals, Ironstone, or Iron-ore shall be carried, although such actual Distance shall be less than Six Miles: Provided also, that where upon the said Branch there shall be a Fraction of a Mile, such Fraction shall be deemed and considered as a Mile.

Providing
for the Use
of Ware-
houses,
Stations, &c.

XXII. And be it further enacted, That it shall be lawful for the said Company to permit any Person or Persons to deposit and keep any Goods, Wares, or Merchandize in or on their Warehouses, Wharfs, or any other Ground belonging to the said Company, and also to allow any Person or Persons the Use of their Stations, Offices, Tanks, Reservoirs, and other Buildings, Works, and Conveniences, upon and under such Terms, and subject to such general Regulations, as the Company may from Time to Time direct, provided that they do not thereby interfere with the free Use of the said Railway by the Public, and that the Charges to be made in respect of all or any of the Conveniences aforesaid shall be made equally to all Persons using the same respectively under the like Circumstances: Provided always, that it shall be lawful for all Persons using and employing the said Railway with their own Carriages and Engines under the Provisions of this or the said recited Acts, or either of them, to pass with Carts or other Carriages upon or over any Land of the said Company adjoining the said Railway, and not *bonâ fide* appropriated or set apart for any Works of the said Company, for the Purpose of supplying Water and Fuel for any Engines so to be used on such Railway as aforesaid, such Person or Persons not thereby interfering with the free Use of the Railway by the Company or their Servants, or the Public, and making full Compensation to the said Company for the Use of or any Damage done to the Lands they may pass upon or over, or of or to other Property of the said Company, such Compensation or Damage, in case of Necessity, to be ascertained and assessed in manner herein-before provided in case of Compensation for the temporary Occupation of Lands.

Engines and
Carriages,
when sup-
plied by the
Company,
to be
charged
equally.

XXIII. And be it further enacted, That the Charges by the said recited Acts and this Act, or any of them, authorized to be made for the Use of any Steam or other Power to be supplied by the said Company, or for the Carriage of any Passenger, Goods, Animals, or other Matters or Things to be conveyed by them for any Distance exceeding Six Miles, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile*, or *per Ton per Mile*, for any Distance exceeding Six Miles, throughout the Whole of the said Railway, in respect of all Passengers, Goods, Animals, Matters, or Things of a like Description, and conveyed or propelled by a like Carriage or Engine or other Power, and no Reduction or Advance in any such Charge shall be made, either directly or indirectly, in favour of or against any particular Person: Provided always, that Limestone, Coal, Ironstone, or Iron-ore, conveyed over or along the Branch leading from *Castle Morlais* Quarries to *Dowlais*, and from thence to the Main Line, shall be within the Provisions herein-before contained, notwithstanding such Limestone, Coal, Ironstone, or Iron-ore shall be carried for a less Distance than Six Miles; and provided
always,

always, that nothing in this Clause contained shall affect the additional Charges herein-before authorized to be taken by the said Company upon or in respect of the said several Inclined Planes on the said Railway and Branches, except that such Charges shall be equal to all Persons in respect of the like Things.

XXIV. And be it further enacted, That no Person or Persons using the said Railway as Carriers shall demand or receive, for the Hire or Use of any locomotive Engine or other Steam Power, or of any Carriage or Waggon, to be used upon the said Railway or any Part thereof, any greater Sum or Sums whatever, than the Sums by the said first-recited Act or this Act authorized to be charged by the said Company in respect of the like Engine and Carriage supplied by them; and that the Sum or Sums to be charged by any such Person or Persons for any such locomotive Engine or other Steam Power shall be charged equally to all Persons for a like Engine or Steam Power; any Law or Statute to the contrary notwithstanding.

Limiting Charge by any other Person for Engines or Carriages.

XXV. And be it further enacted, That the Tolls to be from Time to Time demanded by the said Company in respect of Coals, Iron, and other Mineral Produce shall be at all Times in the same relative Proportions as the Tolls in respect of such Articles by the said first-recited Act limited.

Tolls to be in same relative Proportions as fixed by former Act.

XXVI. And be it further enacted, That so much of the said first-recited Act as extends to prevent any locomotive or other Engine, or other Power whatsoever, for the drawing, propelling, or conveying of any Articles, Matters, or Things on the said Railway or on any of the Branches thereof, from passing, going, or proceeding at a greater Pace or Rate than Twelve Miles *per* Hour, shall be and the same is hereby repealed: Provided nevertheless, that it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they may think proper, for the Purpose of restricting or regulating the Pace or Rate of Speed of such Engines or other Power, and to impose such Penalties as they may think proper for or in respect of any Breach of such Orders and Regulations, not exceeding the Penalties imposed by the said Act upon any Person or Persons who shall wilfully cause any such locomotive or other Engine to pass or proceed at a greater Pace or Rate of Speed than therein mentioned.

For regulating the Speed of Carriages upon the Railway.

XXVII. And be it further enacted, That it shall be lawful for the said Company, if they think proper, in levying the several Rates, Tolls, and Charges by the said first-recited Act and this Act authorized to be made and received, to charge the same upon all or any Articles chargeable therewith, except Stone, Timber, Coals, and Coke, according to the Cubical Contents thereof, instead of according to the Weight thereof, reckoning Thirty Cubic Feet as One Ton Weight, and so in proportion for any smaller Quantity; any thing in the said first-recited Act or any Usage to the contrary notwithstanding.

Goods may be charged by Bulk instead of Weight.

XXVIII. And whereas by the said recited Act Power is given to the Owners or Occupiers of Lands or Mines or Minerals near or adjoining

Power to make Branch Rail-

ways with
the Consent
of Land-
owners.

adjoining to the said Railway, or any other Persons, to lay down, either upon their own Lands, or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches from their respective Lands or Mines to communicate with the said Railway; And whereas it is expedient that the said Company should be authorized and enabled to execute and construct any Branch Railway or Railways, upon the Request of any Land Owner or Owners, under such Terms and Restrictions as may be mutually agreed upon between them; be it therefore enacted, That the said Company may and they are hereby empowered, upon the Request in Writing of any Land Owner or Owners through whose Lands the said Branch Railway or Railways is or are desired to be made, and with the Consent in Writing previously obtained of all and every the Owners and Occupiers of Land through which the said Branch Railway or Railways respectively is or are intended to be made, or of such Person or Persons as are by the said recited Acts or this Act capacitated or empowered to convey Lands to the said Company for the Purposes of the said Railway, to construct, make, and execute such Branch or Branches as aforesaid, and to carry the same over, under, or across any public Road or Highway by means of Bridges or Tunnels of such Dimensions, with such Inclinations, and with such Fences, as by the said recited Acts provided with regard to Roads to be crossed by the said Railway, and to enter into and carry into effect such Arrangements with respect to the said Branch Railway or Railways, and the Mode of Construction thereof, or relating to the Cost and Expences which may be thereby incurred, as may be mutually agreed upon between the said Land Owner or Owners and the said Company, and if necessary to apply and expend for that Purpose any Part of the Money, Rates, or Tolls by the said recited Acts and this Act authorized to be raised: Provided always, that no such Branch Railway or Railways shall be made by the said Company without the Sanction of a General or Special General Meeting of the Proprietors of the said Company: Provided also, that the said Company shall not demand or receive any Rate or Toll upon or for the Use of any such Branch Railway to be made as aforesaid.

Repeal of
certain Pro-
visions as
to keeping
Account of
Tolls.

XXIX. And whereas it is by the secondly-recited Act enacted, that in all Cases in which the said Company should carry, for their own Profit, any Passengers, Matters, or Things, a separate Account should be kept showing the Amount of Rates or Tolls which would have been received by the said Company in respect thereof, if carried by any other Party; and that the said Company should also keep an Account of all Tolls and Rates which should be actually received by them for the Carriage of the same, and that such Accounts should be open to Inspection, with such Penalties in case of default as in the said last-mentioned Act mentioned: And whereas it is expedient that the said Enactment should be repealed, and other Provisions made in lieu thereof; be it therefore enacted, That the said Enactment herein-before recited or referred to shall be and the same is hereby repealed.

XXX. And

XXX. And be it enacted, That the Company shall keep an Account of all Tolls received by them, showing the gross Amount of the Receipts in respect of such Tolls received in each and every Calendar Month in each Year; and if the Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, they shall keep a separate Account, showing the Amount of Tolls received, or which would have been received, by the Company in each and every Calendar Month in each Year in respect of such Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, if the same had been carried by any other Party; and an Account showing the Amount of Tolls or Sums which shall have been actually received by the Company for the Carriage of the same; and during the first Fourteen Days of *February* and *August* in each Year, the Overseers of the Poor of every Parish through which the Railway shall pass may inspect such Accounts for the Half Year then preceding and expiring on the Thirtieth Day of *June* or the Thirty-first Day of *December*, as the Case may be; and if the Company wilfully neglect to keep such Accounts, or prevent the Inspection thereof, they shall forfeit to each Overseer who shall demand such Accounts or either of them, and who shall be refused the Inspection of the same or either of them, for every Failure to keep such Accounts the Sum of Thirty Pounds; and for every Day during which the Failure to permit such Inspection may continue the Sum of Ten Pounds *per Day*; and such Penalties shall be recoverable by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, and shall be applied for the Benefit of the Poor of the Parish within which any such Failure shall occur.

Company to keep separate Accounts of Tolls and Charges, to be open for the Inspection of the Overseers of the Poor.

XXXI. And be it further enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June*, or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account free of Charge to the Clerk of the Peace for the County of *Glamorgan* on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds, to be recovered and applied as by the said first-recited Act provided.

Annual Account to be made up, and a Copy transmitted to the Clerk of the Peace.

XXXII. And be it further enacted, That no Bye Law which shall be made by the said Company under the Authority of the said first-recited Act (except such as may relate solely to the Proprietors or Directors of the said Company or to any of their Officers or Servants) shall be valid or binding unless the same shall be allowed by some

Bye Laws to be confirmed.

[*Local.*]

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Judge

Judge of One of Her Majesty's Courts of Record at *Westminster*, or by the Justices assembled at some General or Quarter Sessions of the Peace of the County of *Glamorgan*; which said Justices are hereby authorized and required, on the Request of the said Company, to examine into the Bye Laws which may be tendered to them for that Purpose by the said Company, and to allow of or disallow the same as to them may seem meet; and all Penalties which may be imposed by virtue of any such Bye Laws shall be so framed as to allow the Justice or Justices before whom the same may be sought to be recovered to order the Whole or any Part of such Penalties to be paid: Provided always, that no such Bye Laws shall be confirmed, unless Notice of the Intention to apply for a Confirmation of the same shall have been given in One or more Newspapers of the County of *Glamorgan*, One Month at least before the Hearing of such Application; and any Party aggrieved by any such Bye Law, on giving Notice of the Nature of his Objection to the said Company Ten Days before the Hearing of such Application, may by himself, his Attorney or Agent, be heard thereon, but not so as to allow more than One Party to be heard upon the same Nature of Objection.

Repealing
Provisions
as to Limi-
tation of
Actions.

XXXIII. And whereas it is by the said first-recited Act enacted, that no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of the said Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid or brought in the County, City, or Place where the Matter in Dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give the said Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of the said Act, and if they shall appear to have been so done or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as therein-before directed, then and in every such Case the Jury shall find for the Defendant: And whereas it is expedient that the said recited Provisions, so far as the same may confer any special Privilege or Advantage on the said Company which without the same they would not enjoy, should, except as herein-after mentioned, be repealed; be it therefore enacted, That the said Provisions, except so far as the same relate to the Notice thereby required to be given of the Intention to commence any such Action, Suit, Information, or other Proceeding, shall be and the same are hereby declared to be repealed: Provided always, that nothing herein contained shall extend or be held to extend to revive
any

any Claim already barred by the Operation of the Enactment hereby repealed.

XXXIV. And whereas the said *Dowlais* Iron Company are materially interested in the Construction of certain Part of the Branch Railway herein-before referred to, leading from the Main Line of Railway near *Merthyr Tydfil* to the Limestone Quarries at *Morlais Castle*, and they are desirous of insuring the Completion thereof; be it therefore enacted, That in case the said Railway Company shall not forthwith after the passing of this Act proceed to make and construct the said Branch, or in case they shall at any Time omit for the Space of Thirty Days to proceed with all practicable Expedition with the Construction thereof, it shall be lawful for the said *Dowlais* Iron Company, after Seven Days Notice to the said Railway Company, to enter upon the Lands which may have been set out and appropriated by the said Railway Company for the Purposes of the said Branch Railway, and to make and construct the said Branch, or any Part thereof, and to charge the said Railway Company with the Money expended thereon: Provided always, that all and every the Works which may be constructed by the said *Dowlais* Iron Company under the Power herein-before given shall be done in an efficient and workmanlike Manner; and that it shall be lawful for the said Railway Company, and their Engineer, Officers, and Servants, from Time to Time and at all Times, to inspect such Works, and to give Notice of any Inefficiency in the Construction thereof; and in case of any Dispute or Difference as to the said Works, or as to the Amount to be paid by the said Railway Company to the said *Dowlais* Iron Company in respect thereof, every such Dispute or Difference shall be referred to the Arbitration of Two disinterested Persons, One to be chosen by each of the said Companies, with Power for such Arbitrators to appoint an Umpire, if necessary, to decide between them; and in case either of the said Two Companies shall neglect to appoint an Arbitrator within Seven Days after Notice in Writing by the other of such Companies requiring them so to do, the Arbitrator appointed by the Company giving such Notice shall thereupon be at liberty to appoint such Second Arbitrator, and such Two Arbitrators may proceed with such Reference and appoint an Umpire, in like Manner as if they had been nominated by the said Two Companies respectively; and the Decision of such Arbitrators as may be appointed as herein-before mentioned, or of their Umpire, shall be binding and conclusive upon the said Two Companies as to the Matters in question between them: Provided also, that if the said *Dowlais* Iron Company shall after having commenced such Work neglect to proceed therewith with all reasonable Expedition, and in a proper and workmanlike Manner, it shall be lawful for the said Railway Company at any Time or Times thereafter to resume the Possession of the said Works, and to proceed with the Completion thereof, giving to the said *Dowlais* Iron Company Ten Days previous Notice thereof: Provided always, that nothing herein contained shall authorize the said *Dowlais* Iron Company to do any Act, Matter, or Thing which the said *Taff Vale* Railway Company would not be authorized to do if they the said *Taff Vale* Railway Company were themselves constructing the said Branch Railway; and that the said *Dowlais* Iron Company

Providing
for the Com-
pletion of
the Branch
to *Dowlais*.

Company shall in such Construction be bound by all the Provisions, Clauses, and Stipulations in this Act and the said recited Acts contained, or by all Agreements at the Time subsisting and in force with the said Railway Company respecting the said Branch.

For securing Repayment of any advances by the Dowlais Iron Company.

XXXV. And be it further enacted, That when and so soon as the said *Dowlais* Iron Company shall have completed the said Branch Railway or any Part thereof, forming a Communication with the Main Line of Railway, and the same shall be delivered to the said Railway Company in a State proper to be used by the Public, the Cost and Expence thereof to be paid to the said *Dowlais* Iron Company shall be ascertained in manner herein-before provided for, and shall be and remain a Charge upon the said Undertaking by the said recited Acts and this Act authorized, and upon the Rates, Tolls, and other Sums arising or to arise under the same, in preference to any other Charge which may be hereafter created under the same, and the Amount of such Cost and Expence shall be repaid by the said Railway Company in manner following; that is to say, one equal Half Part thereof at the Expiration of Five Years from the Period of such Completion of the said Works, and the Remainder at the Expiration of Seven Years from the same Period, with Power for the said Company to pay off the Whole, or any Part thereof, at any Time previously, upon giving Three Calendar Months Notice thereof; and the said Railway Company shall, until such Repayment, pay to the said *Dowlais* Iron Company Interest at the Rate of Five Pounds *per Centum per Annum* on the Amount remaining due to them as aforesaid, such Interest to be paid half yearly.

For further securing such Advances.

XXXVI. Provided always, and be it further enacted, That for securing Repayment of the Amount of such Cost and Expence and the Interest thereof as lastly herein-before mentioned, the said *Dowlais* Iron Company shall have and be entitled to all and every such and the same Rights and Remedies in every respect as are by the said first-recited Act given to Parties advancing Money on Mortgage or Assignment of the said Undertaking as in the said Act mentioned; and that by way of further Provision for Repayment of such Cost and Expence, and the Interest thereof as aforesaid, the said *Dowlais* Iron Company shall, after Default shall have been made in any such Payment as is herein-before provided, until full Payment and Satisfaction by the said Railway Company of such principal Sums and Interest as shall from Time to Time be payable as aforesaid, it shall be lawful for the said *Dowlais* Iron Company to retain to and for their own Use and Benefit, and in liquidation, so far as the same will extend, of such principal Sum and Interest, all such Rates, Tolls, and Charges as are or may be payable by the said *Dowlais* Iron Company to the said Railway Company, upon or in respect of any Passengers, Cattle, Articles, Matters, and Things which shall be conveyed along or upon the said Railway to or for the Use, Benefit, or Account of the said *Dowlais* Iron Company: Provided nevertheless, that such Right or Claim, Rates, Tolls, and Charges, shall be without Prejudice to any Mortgage or Assignment which may heretofore have been made thereof.

Goods of the Dowlais Iron Com-

XXXVII. And be it further enacted, That on the Completion of the said Railway and Branch Railway, in case the said *Dowlais* Iron Company

Company shall have made and completed, or partially made and completed, the said Branch Railway under the Power herein-before given to them for that Purpose, the said Railway Company shall, if they shall be then finding or providing locomotive or other Engines, Tenders, Carriages, and Conveyances for the *Penydarran* Iron Company, or for Messieurs *R. and A. Hill* of the *Plymouth* Iron Works, from Time to Time thereafter, so long as such Principal or other Sums and Interest, or any Part thereof, shall remain due to the said *Dowlais* Iron Company, and in like Manner as they may for the Time being be finding or providing such Conveniences for the said *Penydarran* Iron Company or Messieurs *R. and A. Hill* at their own Expence, find and provide all such sufficient locomotive and other Engines, Tenders, Carriages, and Conveyances, and Engineers and Workmen, and shall carry and convey all such Passengers, Cattle, Property, Articles, Matters, and Things, as the said *Dowlais* Iron Company, or the Occupiers for the Time being of the *Dowlais* Iron Works, shall require to be carried and conveyed along or upon the said Road or any of the Branches thereof, from any Part or Parts thereof to any other Part or Parts thereof, in the same Manner as may for the Time being be agreed with the said *Penydarran* Company or Messieurs *R. and A. Hill* as aforesaid.

pany to be carried on the same Terms as the Goods of certain other Parties.

XXXVIII. And whereas the Branch Railway by the secondly herein-before recited Act authorized to be made from *Merthyr Tydfil* to the Limestone Quarries at *Morlais Castle* will pass over Parts of certain Farms or Lands called *Pwlllywheiad*, *Gwernllwyn Ucha*, and *Gwernllwyn Isaf*, and of which Sir *Josiah John Guest* Baronet, *William Price Lewis* Clerk, and *Edward John Hutchins* Esquire, who carry on Business as Iron Masters under the Firm of the *Dowlais* Iron Company, are or claim to be Owners, Lessees, or Occupiers, and which are situate near to certain Iron Works belonging to or occupied by them, and certain Parts of the said Lands have been set out and appropriated, and have been agreed to be sold and conveyed by the said last-mentioned Parties to the said Railway Company for the Purposes of the said Railway; be it therefore enacted, That nothing in the said recited Acts or this Act contained shall authorize the said Railway Company to enter upon any of the before-mentioned Farms or Lands of the said *Dowlais* Iron Company, adjoining or lying near to the Land so set out as aforesaid for any Purpose whatsoever (except as herein-after and in this Act mentioned): Provided always, that the said Railway Company shall have full Power and Authority at all Times hereafter to enter upon any Lands so adjoining as aforesaid, and to take and remove therefrom any Cinders or Mine Rubbish which may be thereon, and which they may require for the Purpose of making or repairing any Part of the said Railway which shall pass through the aforesaid Farms or Land; and also, if Occasion shall require, to deposit any such Cinders or Rubbish upon the Land immediately adjoining the said Railway, for the Purpose of supporting the same, and the Banks or Sides thereof, doing as little Damage as may be to the said adjoining Lands in the Exercise of the said Powers, and making Compensation for any such Damage to the Owners, Lessees, or Occupiers thereof, such Compensation (in case of Dispute) to be settled and ascertained in the Manner provided for by the said first-recited Act: Provided also,

For Protection of the *Dowlais* Iron Company.

[Local.]

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that

that in case the said *Dowlais* Iron Company shall require any Cinders or Mine Rubbish which the said Railway Company may propose to take for the Purposes of the said Railway, and if the said *Dowlais* Iron Company shall point out sufficient Cinders or Mine Rubbish on some other Part of their said Lands which may be conveniently taken by the said Railway Company, and within a Distance of Three hundred Yards from the Place where the same may be required, then and in such Case the said Railway Company shall not be authorized to take the Cinders or Mine Rubbish which may be so required by the said *Dowlais* Iron Company for their own Purposes as aforesaid.

Communi-
cations to
be made at
Pwllwheiad
by Railway
Company,
if not by
Dowlais
Iron Com-
pany, at the
Expence of
the Railway
Company.

XXXIX. And be it further enacted, That the said Railway Company shall, from Time to Time and at all Times hereafter, make and keep in good and sufficient Repair such reasonable and sufficient Bridges, Platforms, or Archways over and Crossings upon the said Railway, on the Estates of *Pwllwheiad* and *Gwernllwyn Isaf*, for the necessary and requisite Crossings for the private Roads and Tramroads of the said *Dowlais* Iron Company, and the Owners, Lessees, and Occupiers for the Time being of the said Estates, with all necessary Culverts under or over the said Railway, for the Watercourses and Drains from or upon the same, as shall from Time to Time be required for the Exercise of their Powers and Privileges of Occupation and Mining on or under the said Estates, the Reasonableness and Sufficiency of such Bridges and other Works to be determined by Arbitration, in like Manner as herein-before provided with regard to the Construction of the Branch Railway leading to *Morlais Castle*; and that in case the said Railway Company shall refuse or neglect so to make or keep in repair such Bridges, Platforms, Archways, Crossings, and Culverts, in a reasonable Time after a Request made to them in Writing, that then the said *Dowlais* Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, shall be at liberty to make and repair the same, or any of them, without the Molestation or Hindrance of the said Railway Company, (but so as not to impede or interrupt the Traffic upon the said Railway, or the free and uninterrupted Use and Enjoyment thereof,) and shall be entitled to charge the said Railway Company with the Expence of making and repairing the same, and in case of Default in Payment of the Costs thereof by the said Railway Company within Thirty Days after a written Demand shall be duly made on the said Company for the same, the said *Dowlais* Iron Company, or such Owners, Lessees, or Occupiers for the Time being as aforesaid, shall recover the Amount thereof, with all Costs incurred by reason or in consequence of such Default of Payment, upon Application to and Proof made before the Court of Quarter Sessions for the County of *Glamorgan*: Provided also, that it shall and may be lawful to and for the said *Dowlais* Iron Company, from Time to Time and at all Times hereafter, at their own Expence, to make and use all such Tunnels under or Archways over or Crossings upon the said Railway, for the private Roads, Tramroads, Watercourses, and Drains of the said *Dowlais* Iron Company at *Pwllwheiad*, *Gwernllwyn Isaf*, *Gwernllwyn Uchaf*, *Havod*, and *Castle Morlais*, as the said *Dowlais* Iron Company shall from Time to Time think fit or expedient for the Exercise of their Powers and Privileges of Occupation and Mining, in such Manner and subject to such Restrictions as are provided for by the said recited

recited Acts with respect to other Owners and Occupiers of Lands through which the Railway is intended to be made.

XL. And be it further enacted, That the Words "*Dowlais Iron Company*" in this Act shall mean, and be construed to mean, extend to, and include, the said Sir *Josiah John Guest*, *Edward John Hutchins*, and *William Price Lewis*, and the Survivors and Survivor of them, and their or his Heirs, Executors, Administrators, and Assigns; and all the Privileges, Powers, Authorities, and Protection given by this Act to or in favour of the said *Dowlais Iron Company* shall not be affected by the Decease of the said *Josiah John Guest*, *Edward John Hutchins*, and *William Price Lewis*, or any of them, or by their or any of their ceasing to be Partners in the said *Dowlais Iron Company*, or by any Change in or Addition to such Company or the Partners composing the same; but all such Privileges, Protections, Powers, and Authorities shall and may be used, exercised, and enjoyed, in case of the Death of any one or more of them the said *Josiah John Guest*, *Edward John Hutchins*, and *William Price Lewis*, by the Survivors and Survivor of them, either alone or together, with the Executors, Administrators, or Assigns of such of them as shall be deceased, or by the Executors, Administrators, or Assigns of such Survivor only (as the Case may be), and either alone and of themselves, or together with any other Person or Persons who may from Time to Time be or compose the said Firm of the *Dowlais Iron Company*.

Explaining the Meaning of the Expression "*Dowlais Iron Company*."

XLI. And be it further enacted, That (save as by this Act provided in reference to Casualties arising from the falling in of Mines or otherwise in the Line of the said Railway) nothing herein contained shall extend or be construed to extend, in any Manner whatever, to repeal, abridge, or otherwise affect the several Powers, Rights, Immunities, and Privileges reserved to Messieurs *R. and A. Hill* and the *Penydarran Iron Company* under the said recited Acts or either of them, nor in any way to operate in contravention of the protecting Clauses in the said recited Acts or either of them contained, so far as relates to the said Messieurs *R. and A. Hill* and the said *Penydarran Iron Company*, but the same shall remain and be in as full Force and Effect as the same would have been if this Act had not been passed.

Saving Rights of Messieurs *R. & A. Hill*, and the *Penydarran Iron Company* under former Acts.

XLII. Provided always, and be it further enacted, That nothing in this Act or the said recited Acts contained shall extend, or be deemed or construed or taken to extend, to take away, prejudice, alter, lessen, or interfere with any Rights, Powers, Privileges, or Advantages vested in the Most Honourable *John Crichton Stuart Marquis of Bute*, his Heirs or Assigns, by virtue of Two several Acts, One passed in the First Year of the Reign of His Majesty King *William the Fourth*, intituled *An Act for empowering the Marquis of Bute to make and maintain a Ship Canal, commencing near the Mouth of the River Taff in the County of Glamorgan, and terminating near the Town of Cardiff, with other Works to communicate therewith*; and the other passed in the Fourth Year of the Reign of His said Majesty, intituled *An Act to alter, amend, and enlarge the Powers of an Act passed in the First Year of the Reign of His Majesty King William the Fourth, intituled 'An Act for empowering the Marquis of*

Saving the Rights of the Marquis of Bute.

11 G. 4. & 1 W. 4. c. 133.

4 & 5 W. 4. c. 19.

' Bute

' Bute to make and maintain a Ship Canal, commencing near the Mouth of the River Taff in the County of Glamorgan, and terminating near the Town of Cardiff, with other Works to communicate therewith;' but all such Rights, Powers, Privileges, and Advantages shall remain as good, valid, and effectual as if this or the said recited Acts had not been passed.

Time extended for Completion of Railway.

XLIII. And be it further enacted, That the Periods limited by the said first-recited Act for the Completion of the said Undertaking and for the Sale of superfluous Lands shall be respectively extended and enlarged for the Term of Seven Years, to be computed from the passing of this Act; and all Powers, Privileges, and Authorities given by this or the said recited Acts with respect to the making and completing of the said Railway shall be extended for such further Period.

Railway to be subject to the Provisions of any General Act.

XLIV. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Expences of Act.

XLV. And be it further enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, and of carrying the same into effect, or otherwise incidental thereto, shall and may be defrayed and paid by the said Company out of the Money received or to be received by them under the Authority of this and the said recited Acts.

Public Act.

XLVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

The Penydarran Iron Company and John Homfray, Esquire.

-- Owners or reputed Owners of Land in the Parish of Merthyr Tidfil in the County of Glamorgan, delineated on the Plans described in the Books of Reference referred to by the Act secondly herein-before referred to.

The Right Honourable Lord Dynevor and John Mathews Richards, Esquire.

-- Owners or reputed Owners of Land in the Parish of Eglwysilan in the same County, now fenced in by the Taff Vale Railway Company.

Thomas Davies - - -

-- Lessee or reputed Lessee of Land in the Parish of Llandaff in the same County, now fenced in by the said Taff Vale Railway Company.
