



CHAP. cxi.

An Act to grant further Powers to "The Brecon and Merthyr Tydfil Junction Railway Company." [13th July 1871.] A.D. 1871.

WHEREAS by the Brecon and Merthyr Railway (New Lines) Act, 1864, power was given to the Brecon and Merthyr Tydfil Junction Railway Company (who are herein-after referred to as "the Company") to construct among other railways

27 & 28 Vict.,
c. ccciv.

the Pontlottyn Junction ;
the Ystrad Junction ;
and the Caerphilly Junction ;

which railways are severally described in the seventh section of the same Act, but the Company have made no progress in the construction of any of the said railways, nor have they purchased any lands or entered into any contracts for the purposes thereof, and it is expedient that they should abandon the construction of the Pontlottyn Junction, and of the Ystrad Junction and the Caerphilly Junction :

And whereas the Company some time since, with the consent of the local board of health of the borough of Merthyr Tydfil, acting as surveyors of highways of that parish, diverted two portions of a road which had become dangerous and inconvenient in the neighbourhood of their station at Dowlais and of the Dowlais ironworks, and constructed in the stead thereof new roads which have been long since opened and used by the public, and it is expedient that the said diversions should be authorised :

And whereas it is expedient that the time limited for the sale of superfluous lands belonging to the Company should be extended :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and

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A.D. 1871. Commons, in this present Parliament assembled, and by the authority
— of the same, as follows; (that is to say,)

Short title. **1.** This Act may be cited for all purposes as “The Brecon and
Merthyr Railway Act, 1871.”

Power to
abandon
construction
of certain
railways.

2. The Company may abandon the construction of the railways
herein-before mentioned, namely,—

(1.) The Pontlottyn Junction, being a railway intended to com-
mence in the parish of Gelligaer, in Glamorganshire, by a
junction with the Rhymney Railway, near its terminus at
Rumney, and to terminate in the parish of Bedwellty, in
Monmouthshire, by a junction with the Rumney section
of the Company’s railway :

(2.) The Ystrad Junction, being a railway intended to commence
in the parish of Bedwas, in Monmouthshire, by a junction
with the said Rumney section, and to terminate in the
parish of Llanfabon, in Glamorganshire, by a junction
with the Taff Vale Extension of the Great Western
Railway :

(3.) The Caerphilly Junction, being a railway intended to com-
mence in the said parish of Bedwas, in Monmouthshire,
by a junction with the said Rumney section, and to termi-
nate in the hamlet of Vann, in the parish of Bedwas, in
Glamorganshire, by a junction with the Caerphilly branch
of the same railway.

Compen-
sation for
damage to
land by
entry, &c.
for purposes
of railways
abandoned.

3. The abandonment by the Company, under the authority of
this Act, of the said railways shall not prejudice or affect the right
of the owner or occupier of any land to receive compensation in
accordance with the provisions in that behalf of “The Lands Clauses
Consolidation Act, 1845,” for any damage occasioned by the entry
of the Company on such land for the purpose of surveying and
taking levels, or probing or boring to ascertain the nature of the
soil, or setting out the lines of the said railways or any of them, and
shall not prejudice or affect the right of the owner or occupier of
any land which may have been temporarily occupied by the Com-
pany to receive compensation in accordance with the provisions in
that behalf of “The Railways Clauses Consolidation Act, 1845,” for
such temporary occupation, or for any loss, damage, or injury which
may have been sustained by such owner or occupier by reason
thereof, or of the exercise as regards such land of any of the powers
contained in the last-mentioned Act or the said recited Act of
1864.

4. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any lands for the purposes of or in relation to the said railways, or any of them, full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and such compensation and the application thereof shall be assessed and determined in manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof." A.D. 1871.
Compensation to be made in respect of railways abandoned.

5. Within six months from the passing of this Act the Company shall construct and complete with adequate materials, and to the reasonable satisfaction of the Merthyr Tydfil local board of health, a road or path (not steeper at any part than one in five, and of a width of not less than six feet in the clear at the lower end, gradually enlarging to seven feet on the surface, and continuing thereafter of not less than that width) for passengers on foot to pass and repass at their free will and pleasure from the road, herein-after called "the Dowlais substituted road," which has been constructed by the Company for preserving the public communication between the north-west end of Victoria Street, Dowlais, and the north end of Ivor Street, Dowlais, at a point on the east side of the bridge carrying the railway over the Dowlais substituted road, and thence by the west wall of the Ivor works to the existing footway to Penwern and Pengarndû, and within the like period the Company shall also construct and complete, with adequate materials and to the like reasonable satisfaction, a road or path for passengers on foot to pass and repass, at their free will and pleasure, from near the top of Victoria Street, Dowlais, and thence across the railway of the Company by means of the bridge already constructed over the railway (which bridge shall for ever hereafter be maintained by the Company in good order and condition) to the first-mentioned reserved road or path, and when and so soon as the said roads or paths have been respectively constructed and completed in accordance with the aforesaid provisions the Company may and shall stop up that portion of the public road leading from Pant to Dowlais and Merthyr Tydfil which lies between the north-west end of Victoria Street, Dowlais, and the north end of Ivor Street, Dowlais, and thereupon the soil of the said road so stopped up shall vest, freed from all right of way or passage over the same, in the As to road at Dowlais.

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A.D. 1871. — Company so far as the same lies within the existing fences of the Company, and shall, as to the remainder thereof, vest in the Dowlais Iron Company or other the owners of the lands adjoining the disused road; and the Dowlais substituted road, together with the roads or paths to be constructed as aforesaid, shall, by virtue of this Act, be vested in the said local board of health, and shall be deemed in all respects to be substituted for the portion of road so stopped up.

As to road
across Mor-
lais Dingle.

6. If and so soon as the Company complete a way under their railway fourteen feet by fourteen feet in the clear, with proper approaches, not steeper than one in fourteen, near to the present weighing-house of the Dowlais Iron Company, the Company may stop up that portion of the same public road across the Morlais Dingle which lies between the railway crossing near the Rifleman's Arms Inn at Pant and another railway crossing near the old weighing-house of the Dowlais Iron Company, and the soil of the said portion of road so stopped up shall thereupon vest in the Company so far as the same lies within the existing fences of the Company, and as to the remainder thereof in the owners of the lands adjoining thereto, subject nevertheless to a right of public way from the substituted road by means of the bridge under the railway as before described, and thence to the point where the bridle-way over the mountain to Pant-y-wain joins the road so to be stopped, and from the last-mentioned point to the steps leading from the same road to Pen-y-wern; and the road across the Morlais Dingle which is to be under the authority of this Act substituted for the portion of the road so stopped shall, by virtue of this Act, be vested in the said local board, and shall be deemed in all respects to be substituted for the portion of road so stopped: Provided always, that all persons going to or from the messuage and lands now occupied by Mr. Maynard Harrison, or any other part of the estate, in the county of Glamorgan, whereof Robert George Baron Windsor, a minor, now is or claims to be tenant in tail in possession under or by virtue of the will of Other Archer Earl of Plymouth, deceased, from or to the substituted road shall have free right to pass across the railway with or without carriages, horses, and other animals, by means or in the direction of the existing level crossing, and the same shall from time to time be duly maintained and kept in repair by the Company for that purpose as a private occupation road.

As to metal-
ling substi-
tuted road

7. The substituted roads between the points C and D on sheet No. 4 of the Parliamentary plans of road diversions of the said

Brecon and Merthyr Railway Company deposited with the parish clerk for the parish of Merthyr Tydfil, and between Victoria Street and Ivor Street in Dowlais, as shown on the same plan, shall be metalled with broken limestone, to the satisfaction of the surveyor for the time being of the local board of health for the parish of Merthyr Tydfil, within two months from the passing of this Act, and the said Brecon and Merthyr Railway Company shall, on or before the twenty-ninth day of May one thousand eight hundred and seventy-four, erect on the western side of the said substituted road, between the said points C and D, a good and substantial fence wall, to the satisfaction of such surveyor, and shall for ever thereafter maintain such wall in a good and proper state of repair, and shall in the meantime, and up to the twenty-ninth day of May one thousand eight hundred and seventy-four, maintain the existing fence, in good and sufficient repair, to the satisfaction of the said surveyor.

A.D. 1871.
 and building
 fence wall
 over Morlais
 Dingle.

8. The expression "the Dowlais Iron Company," in this Act, shall have the meaning assigned to it by section eighteen of "The Brecon and Merthyr Railway Extensions Act, 1861."

Defining the
 Dowlais Iron
 Company.

9. Except only as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, alter, or prejudice any of the rights, privileges, powers, or authorities of the Dowlais Iron Company.

Saving
 rights of the
 Dowlais Iron
 Company.

10. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of three thousand four hundred and thirty-five pounds thirteen shillings and sixpence, new three per centum annuities, being equal in value to five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by this Act, has been deposited with the Court of Chancery in England, in respect of the application to Parliament for this Act; and inasmuch as the railways so proposed have not been authorised, be it enacted, that the said sum of money so deposited as aforesaid in respect of the application for this Act shall 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.

Deposit
 money to be
 repaid.

11. Notwithstanding anything contained in the 127th section of "The Lands Clauses Consolidation Act, 1845," the Company shall not be required to sell and dispose of the superfluous lands now held by them, not exceeding in the whole five acres, for a period of

Extending
 time for sale
 of super-
 fluous lands.

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Confirming agreement with Great Western Railway Company.

12. The heads of agreement set forth in the schedule to this Act, bearing date the twenty-third day of March one thousand eight hundred and seventy-one, between the Great Western Railway Company and the Company are hereby confirmed and are made binding upon the parties thereto respectively.

Railways not exempt from provisions of present and future general Acts.

13. Nothing herein contained shall be deemed or construed to exempt the railways by the recited Acts authorised to be made from the provisions of any general Act relating to railways, or to the better and more impartial audit of the accounts of Railway Companies now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the maximum rates of fares and charges authorised to be taken by the Company, or of the rates for small parcels.

Expenses of Act.

14. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE.

MEMORANDUM of AGREEMENT between the Great Western Railway Company (herein-after called the Great Western Company) and the Brecon and Merthyr Tydfil Junction Railway Company (herein-after called the Brecon Company).

Whereas the Brecon Company have a Bill now pending in Parliament, intituled "A Bill to grant further powers to 'The Brecon and Merthyr Tydfil Junction Railway Company,'" whereby it is amongst other things proposed to authorise the Brecon Company to abandon the construction of the railway therein called the Ystrad Junction, being a railway intended to commence in the parish of Bedwas, in Monmouthshire, by a junction with the Rumney section of the railways of the Brecon Company, and to terminate in the parish of Llanfabon, in Glamorganshire, by a junction with the Taff Vale Extension of the Great Western Railway: And whereas the said Ystrad Junction was authorised to be constructed by "The Brecon and Merthyr Railway (New Lines) Act, 1864," and by the same Act it was provided,—

The Brecon Company, and all Companies and persons lawfully working the railways or any part of the railways of the Brecon Company, may run over, work, and use, with their engines and carriages, officers and servants, and for the purposes of traffic of every description, so much of the lines of railway of the Great Western Railway Company as lies to the westward or north-westward of the railway sixthly authorised by "The West Midland Railway (Additional Works) Act, 1862," and all stations thereon, and also all junctions, sidings, platforms, booking and other offices, warehouses, watering places, and supplies of water, approaches, turntables, works, and conveniences of the Great Western Railway Company necessary for such traffic in, upon, or connected with the said lines of railway and stations, and as regards traffic conveyed by them the Brecon Company may demand and take the same tolls and charges upon and in respect of the said lines of railway and stations as if such lines of railway and stations were part of the Rumney Railway.

And whereas by the Great Western Railway (Various Powers) Act, 1867, the Brecon Company were authorised to run over, work, and use, with their engines and carriages, officers and servants, and for the purposes of traffic of every description to and from Newport and Cardiff, the Railway No. 1 and a portion of the Railway No. 2 authorised by the said Act of 1867: And whereas the Great Western Company have presented a petition to Parliament against the abandonment of the Ystrad Junction unless the running powers before referred to, and authorised by the Brecon Company's (New Lines) Act of 1864, and the Great Western Company's Act of 1867, are repealed, and have appeared before a Committee of the House of Commons in support of their

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First. The running powers conferred on the Brecon Company by the before recited Acts of 1864, and the running powers conferred on the Brecon Company by the before-recited Act of 1867, shall be used only for the conveyance of coal traffic destined for the town of Newport or the docks at that place, including the Alexandra Docks, and conveyed in train-loads of not less than 120 tons in each train:

Second. Except as hereby varied or altered, the provisions of the aforesaid Acts of 1864 and 1867, with reference to the said running powers, shall remain in full force and effect:

Third. From and after the time at which the Brecon Company shall commence to use the aforesaid running powers, or any of them, over any part of the railway of the Great Western Company, the Brecon Company shall defray the entire expense of the working, maintenance, and management of the junction between the Maes-y-cwmmer branch of the Great Western Railway and the Rumney line of the Brecon Company, and the signals, works, and conveniences connected therewith, and they shall at all times thereafter maintain and keep such junction, and the points, signals, sidings, works, and convenience connected therewith, in good order, repair, and condition:

Fourth. This agreement to be scheduled to and (subject to the approval of Parliament) confirmed by the before recited Bill of the Brecon Company.

Dated this twenty-third day of March, one thousand eight hundred and seventy-one.