



ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxvi.

An Act for enabling the *Monmouthshire* Railway and Canal Company to make certain new Railways, and for other Purposes. [30th June 1852.]

WHEREAS by “The *Newport and Pontypool* Railway Act, 1845,” the Company of Proprietors of the *Monmouthshire* Canal Navigation were empowered to make and maintain a Railway from *Newport* to *Pontypool*, with several Branches thereto; and by the same Act the said Company were empowered and required within Three Years from the passing thereof to improve their existing Railways wherever that might be necessary to adapt them for the convenient Passage of Locomotive Steam Engines, and to provide Engines and Carriages for the Traffic thereon, and to become Carriers on their existing Railways after the Expiration of the same Period, and also on the Railway by that Act authorized when the same should be opened for Traffic; and by the said Act the said Company were empowered to take the Tolls in that Act specified: And whereas by “The *Newport and Pontypool* Railway Act Amendment Act, 1848,” it was enacted, that the said Company should no longer be called by the Name of “The Company of Proprietors of the *Monmouthshire* Canal Navigation,” but should be called and known by the Name of “The *Monmouthshire* Railway and Canal Company;” and

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by

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by the same Act the Term by the firstly-recited Act limited for the Improvement of the existing Railways of the Company, wherever that might be necessary to adapt them for the convenient Passage of Locomotive Steam Engines at reasonable Rates of Speed, was extended until the First Day of *August* One thousand eight hundred and forty-nine; and by the same Act further Provisions were made as to the Supply of Waggons, Carriages, and Engines by the Company, and with reference to the Tolls to be taken by the Company: And whereas it is expedient that the Term by the said recited Acts limited for the Improvement of the existing Railways of the Company should be further extended as herein-after mentioned: And whereas it is expedient that the Company should be empowered to construct the Railways and Works herein-after particularly described, and they are willing to undertake the Construction thereof at their own Expense: And whereas it is expedient that some of the Provisions of the recited Acts should be repealed or amended; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Certain Provisions of existing Acts repealed.

I. That the following Clauses of "*The Newport and Pontypool Railway Act, 1845,*" that is to say,

The Clause authorizing the Abandonment by the Company of that Part of their Canal from *Newport* to *Pontnewynydd* which is situate above the Junction thereof with the *Brecknock and Abergavenny* Canal:

The Clause requiring the Company within Three Years to adapt their existing Railways for the convenient Passage of Locomotive Steam Engines, and to provide Carriages and Locomotive Steam Engines, and other moving Power:

The Clause limiting the Rate of travelling on their existing Railways to Ten Miles in the Hour:

The Clause requiring the Company to carry as Common Carriers for Hire on their existing Railways within Three Years, and on the Railway by that Act authorized when open for Traffic:

and which said Clauses respectively are in the Copies of that Act printed by the Queen's Printers distinguished by the Numbers CIII., CX., CXII., and CXXVIII.; and also the following Clauses of "*The Newport and Pontypool Railway Act Amendment Act, 1848;*" (that is to say,)

The Clause restraining the Abandonment of the before-mentioned Part of the Canal of the Company until the Branch Railway to the Docks at *Newport* should be open for Traffic:

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The Clause requiring the Erection and Maintenance of a Station in *Newport* on the South of the *South Wales* Railway :

The Clause limiting the Obligation of the Company to provide Waggon or Carriages to those required for the Conveyance of Passengers, and of those Goods, Wares, Merchandise, Matters, and Things for which by the first-mentioned Act the Company were entitled to demand Tolls not exceeding One Halfpenny *per Ton per Mile* in respect of Carriages if provided by them :

which said last-mentioned Clauses respectively in the Copies of the last-mentioned Act so printed as aforesaid are distinguished by the Numbers X., XI., and XII., shall be and the same are hereby repealed: Provided always, that the Repeal of the said Clauses shall not prejudice or invalidate any Acts, Matters, or Things heretofore done, or any Contracts heretofore entered into under the Powers thereof, or the Right of the Company or any Person to any Tolls which may have become due, or the Right of any Shareholder in the Company to any Dividend which may have been declared, previously to the passing of this Act, or their respective Remedies for the Recovery of such Tolls and Dividends respectively.

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Monmouthshire* Railway and Canal Act, 1852." Short Title.

III. That the Company shall and they are hereby required to improve their existing Railways (except the *Rassa* and *Cwmfrwyd* Railways) as to the *Blaenafon* Railway immediately, and as to their other existing Railways (except as aforesaid) within Five Years from the passing of this Act, wherever that may be necessary to adapt them for the convenient Passage of Locomotive Engines and Carriages for the Conveyance of Passengers, Animals, and Goods at reasonable Rates of Speed, and to provide, maintain, and furnish at all reasonable Times for the Accommodation and Convenience of the Public such and so many Carriages, Locomotive Steam Engines, or other moving Power as may be necessary for the Conveyance of Passengers, Animals, and Goods which may be conveyed to their Railways (except as before excepted), and which they may be required to carry thereon; and the Company shall afford all necessary Facilities for conveying Passengers, Animals, and Goods along their Railways (except as before excepted): Provided always, that the Company shall not be required or obliged to provide Carriages or Waggon, except for Passengers and for those Goods, Wares, Merchandise, Matters, and Things for which by the "*Newport and Pontypool* Railway Act, 1845," the Company are entitled to demand Tolls not exceeding One Halfpenny *per Ton per Mile* in respect

Existing Railways to be adapted to Locomotive Engines.

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respect of Carriages if provided by them; nor shall the Company be required or obliged to improve such Portion of the *Blaenafon* Railway as lies to the North of the Sixteen and a Quarter Mile Post on the present *Blaenafon* Railway otherwise than by making it of the same Gauge as the Portion of the same Railway which lies to the South of the said Mile Post.

Company may make convenient Stations, &c. on or near their Railways.

IV. That the Company may make convenient Stations, Sidings, Yards, Wharfs, Weighing Machines, Toll Houses, Offices, Warehouses, Buildings, Roads, Ways, Places for accommodating Passengers, and for receiving, depositing, loading, and unloading Goods and Animals, upon or in the Neighbourhood of the said Railways.

Company to carry as Common Carriers.

V. That the Company shall and they are hereby required to continue to carry as Common Carriers for Hire on such of their existing Roads as are or have already been adapted for Locomotive Engines and Carriages, and on that Portion of the *Sirhowy* Tramroad which passes through *Tredegar Park*; and they are hereby required, immediately from the passing of this Act, to carry as Common Carriers for Hire on the *Blaenafon* Railway; and they are hereby further required, within Five Years from the passing of this Act, to carry as Common Carriers for Hire on the remaining Portions of their existing Railways (except the *Rassa and Cwmfrwyd* Railways), and also on the new Lines of Railway constructed under the Powers of this Act or of the said recited Acts, or of either of them, (except on the new Line of Railway thirdly described in Section IX. of this Act,) when and so soon as the same respectively shall be open for Traffic, by means of Locomotive Steam Engines or other moving Power, in their own Carriages, all Passengers and those Goods, Wares, Merchandise, Matters, and Things for which by the "*Newport and Pontypool* Railway Act, 1845," the Company are entitled to demand Tolls not exceeding One Halfpenny *per Ton per Mile* in respect of Carriages if provided by them, and also to convey in the Carriages of other Persons all Passengers, Animals, and Goods which may be brought to their said Tramroads or Railways, and which they may be lawfully required to convey thereon; and the Company shall afford to all Persons conveying or sending Goods upon their Railways every reasonable Convenience and Facility for loading and unloading Goods upon and from the Carriages, whether their own or those of the Company, at the several Stations or other Places for delivering or receiving such Goods, without giving any Preference or Priority to One Person over another in the Time or Manner of loading, unloading, receiving, conveying, or delivering such Goods: Provided always, that when and so soon as the Company shall carry as Common Carriers for Hire as aforesaid on such Portion of the *Blaenafon* Railway as lies to the South of the Sixteen and a Quarter Mile Post on the

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the present *Blaenafon* Railway, then the Company shall no longer be required to carry as Common Carriers for Hire as aforesaid, or to provide, maintain, or furnish Carriages, Locomotive Steam Engines, or other moving Power on such Portion of the *Blaenafon* Railway as lies to the North of the said Sixteen and a Quarter Mile Post.

VI. That the Company may apply so much of the Monies raised and authorized to be raised by Shares and borrowing under the Powers of the said recited Acts, or either of them, as now remains unappropriated, to the Purposes by this Act authorized.

Application
of existing
Capital.

VII. That "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act; and the Provisions of those Acts (except as by this Act otherwise provided) shall be applicable to the Railways, Tramroads, and new Works by this Act authorized; but nothing in this Act contained shall authorize the Company to purchase, take, or use any Lands (except the Lands shown on the Plans, and described in the Books of Reference herein-after mentioned and required for the Purposes of the Railways and other Works herein-after particularly described,) otherwise than with the Consent of and by Agreement with the Owners, Lessees, and Occupiers thereof respectively.

8 & 9 Vict.
cc. 18. & 20.
incorporated
with this Act.

VIII. And whereas Plans and Sections showing the Lines and Levels of the intended Railways and other new Works, with Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands in or through which the same are intended to pass or be made, have been deposited with the respective Clerks of the Peace of the Counties of *Monmouth* and *Brecon*: Be it enacted, That the Company may (subject to the Provisions and Restrictions in this Act and the said incorporated Acts contained) make and maintain the intended Railways and other new Works herein-after mentioned in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown on the said Sections, and may enter upon, take, and use such of those Lands as they may require for the Purposes aforesaid.

Works to be
made accord-
ing to depo-
sited Plans.

IX. That the new Works by this Act authorized are as follows; (that is to say,)

Description
of Works
authorized
to be con-
structed.

First, A Railway to commence on the North Bank of *Crinda Pill* near *Gwastoad Bridge* in the Parish of *Saint Woollos* in the County of *Monmouth* by a Junction with and in extension of the Main Line of the *Newport and Pontypool* Railway, and to terminate at or near the *Newport Dock Company's* Bridge over the *Monmouthshire* Canal at *Dock Road* in the Borough of *Newport* and Parish of *Saint Woollos* aforesaid:

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Secondly,

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Secondly, A Railway to commence in a Field on the South Side of a certain Road called *Tamplin's Road* (which Field is situate in the Parish of *Lanvrechva Upper* in the County of *Monmouth*, and is numbered 73, as regards Lands in that Parish, upon the Plans of the *Newport and Pontypool* Railway deposited with the Clerk of the Peace of the County of *Monmouth*, as in the firstly-recited Act mentioned,) by a Junction with and in extension of the Main Line of the *Newport and Pontypool* Railway there, and to terminate at or near the South Side of the Company's Bridge over the River *Avon Llwyd* at *Blaenafon* in the Parishes of *Llanover Upper* and *Trevethin*, or One of them, in the County of *Monmouth* :

Thirdly, A Branch Railway to commence from and out of the Railway secondly herein-before described at a Point near to and on the South Side of the Place where the present *Blaenafon* Railway crosses the *Cwmfrwyd Brook* in the Parish of *Trevethin* in the County of *Monmouth*, and to terminate by a Junction with the *Cwmfrwyd* Railway in the same Parish near the Place where the Highway leading from *Talywain Church* to the *Varteg Lower Furnaces* intersects the Highway leading from the *British Ironworks* at *Garndiffaith*, all in the Parish of *Trevethin* :

Fourthly, A Railway or Tramroad (which on the Plans and Sections so deposited as aforesaid is marked No. 10.) to commence by a Junction with the Company's Tramroad called the *Western Valley's Line* at or near the Ten and a Quarter Mile Post on that Line between *Risca* and *Aberbeeg*, and to terminate by a Junction with the said *Western Valley's Line* at or near the Twelve and a Quarter Mile Post on that Line between *Risca* and *Aberbeeg* :

Fifthly, A Railway or Tramroad (which on the Plans and Sections so deposited as aforesaid is marked No. 15.) to commence by a Junction with the Company's existing Railway or Tramroad between *Aberbeeg* and *Beaufort* Ironworks called the *Beaufort* Tramroad at or near the Eighteen and a Half Mile Post thereon, and to terminate at or in a Field in the Parish of *Llangunnider* in the County of *Brecon*, now or late in the Occupation of *William Needham*, lying between the *Royal George* Public House and the Turnpike Road leading from *Brynmawr* to *Sirhowy* and near to *Rhyd-y-Blew*.

For Protection of certain Roads in Newport.

X. That for the Protection of the Streets or Roads herein-after mentioned in the Borough of *Newport* which may be interfered with in the Execution of the Works by this Act authorized the Company shall in the Construction of those Works be subject to the Regulations following ; (that is to say,)

If the Surface of the Roadway in *Mill Street* shall be altered, the Inclination thereof when altered shall not, on the Westward Side
of

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of the Line of the proposed Railway, be steeper than One Foot in Thirty Feet, and shall not, on the Eastward Side of the same Line, be steeper than the present Inclination of the same Roadway:

If the Surface of the Roadway in *High Street* shall be altered, the Surface thereof when altered shall be made level on the Westward Side of the proposed Line of Railway, and not steeper, on the Eastward Side of the same Line, than the present Inclination of the same Roadway:

That if the present Roadway between *Market Street* and *High Street* be interfered with on making the Railway, another Roadway shall be provided by the Company between the Two Streets leading out of *High Street* at or near the Dwelling House and Shop now in the Occupation of *George Masters*, and which in the Books of Reference so deposited as aforesaid is marked with the Number 181, in the Parish of *St. Woollos*, and not less than Twenty-two Feet wide, in substitution of the present Road by the Side of the Canal:

At each of the following Points, (that is to say,) where the Bridge called the *Moderator Bridge* now stands, and at the End of *Cross Street*, leading towards the *Ebbw Vale Wharf*, a level Crossing over the Railway and a Bridge over the Canal shall be maintained and continued:

That from the Bottom of *Corn Street* to the Bottom of *Skinner Street* the Road shall be widened to such Extent as any Diversion of the Canal and Tramroad there made on executing the Works by this Act authorized may admit of, but not exceeding in the whole Width Twenty-two Feet:

Provided always nevertheless, that, except as aforesaid, nothing in this Provision contained shall prejudice or affect the Rights of the Public, or of any private Individuals or Parties, under the Lands or Railways Clauses Consolidation Acts, or any other Act or Acts of Parliament, or otherwise howsoever.

XI. That the Quantity of Land to be taken by the Company under this Act for extraordinary Purposes shall not exceed Ten Acres. Land for extraordinary Purposes.

XII. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchase of Land limited.

XIII. That upon the Expiration of Five Years from the passing of this Act all the Powers hereby granted to the Company for making the Railways, Tramroads, and other new Works hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to such Parts of the same as shall then be completed. Limiting Time for Completion of Works.

XIV. That,

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Certain
Roads may
be crossed
on the Level.

XIV. That, subject to the Provisions in the "Railways Clauses Consolidation Act, 1845," contained with reference to the crossing of Roads on the Level, the Company may in the Construction of the said Railways or Tramroads carry the same on the Level across the several Roads numbered in the Plans and described in the Books of Reference deposited as aforesaid as follows; (that is to say,)

No. on Plan.	Parish.	Description of Road.
172	Saint Woollos.	Public Highway.
238	Trevethin.	Parish Road.
258	Trevethin.	Parish Road.
261	Trevethin.	Parish Road.
308	Trevethin.	Parish Road.
420 <i>a</i>	Llanover (Upper).	Parish Road.
562	Trevethin.	Parish Road.
90 <i>a</i>	Mynyddysllwyn.	Parish Road.
104	Mynyddysllwyn.	Turnpike Road.
116	Mynyddysllwyn.	Parish Road.
117	Mynyddysllwyn.	Turnpike Road.
176	Mynyddysllwyn.	Turnpike Road.
45	Bedwelty.	Parish Road.

Company to
erect Stations
or Lodges
at level
Crossings,
and abide by
Rules, &c.
of Board of
Trade.

XV. That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at each of the Points where the said Railways and Tramroads respectively cross the before-mentioned Roads on the Level, and shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, and with regard to the Speed at which Trains shall pass such Points, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, herein-after called The Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Lodge or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to the Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of
Trade may
require
Bridges
instead of
level Cross-
ings.

XVI. That the Board of Trade may, if it shall appear to them to be necessary for the Public Safety, at any Time before or after any Railway or Tramroad hereby authorized to be made shall have been completed or opened for public Traffic, require the Company within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the before-mentioned Roads either under or over the Railway or Tramroad intersecting the same

by

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by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

XVII. That it shall not be lawful for the Company to construct any Works in or affecting any tidal Water or navigable River without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval, and if any such Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Works below High-water Mark not to be executed without the Consent of the Admiralty.

XVIII. That previously to commencing any Works in or affecting any tidal Water or navigable River, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of all such Works for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only in accordance with such Approval.

Before Commencement of Works Plans, &c. to be deposited at the Admiralty.

XIX. That if after Working Drawings of the Works hereby authorized in or affecting any tidal Water or navigable River shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her
[Local.] 21 M Majesty

Admiralty may order local Survey at Expense of Company.

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Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works across tidal Waters are abandoned, Admiralty may remove same at Expense of Company.

XX. That if any Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Power to take Tolls on new Line.

XXI. That the Company may demand and receive upon or in respect of the Railways or Tramroads hereby authorized to be made such and the same Tolls for the Use thereof, and for the Use of Carriages, Steam, and other moving Power when provided by them, as they are by the said recited Acts authorized to demand upon or in respect of the Railways by the first-recited Act authorized to be constructed.

As to Accommodation to be afforded to certain Lands of T. B. Batchelor.

XXII. Provided always, That it shall not be lawful for the Company to open for Traffic the Railway herein-before first authorized, unless and until they shall have constructed at their own Expense, which they are hereby authorized to do, a Timber Framing across the proposed Railway opposite to the Timber Yard belonging to, or claimed by, and in the Occupation of *Tom Benjamin Batchelor*, situate in the Borough of *Newport*, and distinguished by the Number 121, in the Parish of *St. Woollos*, upon the said Plans, lying immediately to the South of and adjoining to a Public House there called the *Cornwall and Devonshire House*, such Timber Framing to project Eastwards over the Canal there Ten Feet from the Western Bank of such Canal, and to project Westwards into the said Timber Yard Twenty Feet from the Eastern Boundary of such Yard, and to be constructed of sufficient Strength, and so as to carry a traversing Crane Seventy Feet in Width, capable of lifting Ten Tons Weight, the said Timber Framing when constructed to become and remain the Property of, and to be for ever afterwards maintained by, the Owner or Owners for the Time being of the said Timber Yard, which Owner or Owners shall at all Times hereafter, so long as the said Canal shall be open for Traffic, have the full and free Liberty of using a travelling Crane upon and over the said Timber Framing for the Purpose of conveying

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conveying Timber and other Goods from the said Canal to the said Timber Yard, and from the said Timber Yard to the said Canal; but so nevertheless that the said Crane shall be constructed to the Approbation of the Engineer of the said Company, and that the Use thereof shall not obstruct the Traffic on the said Railway or Canal, and so as that no Part of any Timber or Goods removed by means of such Crane shall, while passing over the said Railway, be at a less Height than Fourteen Feet above the Surface of the Rails: Provided also, that the Construction of the said Timber Framing under the Conditions aforesaid shall be deemed to be the Compensation to be paid by the Company for any Injury to the said Timber Yard or to the Business of the said *Tom Benjamin Batchelor* carried on therein by reason of the Construction of the Works according to the said deposited Plans, but shall not be deemed a Compensation for any Land or other Property belonging to the said *Tom Benjamin Batchelor* which shall be taken for the Purposes of the Railway or Works, or for any Injury which may be thereby done to any Lands or Property belonging to him, other than the said Timber Yard: Provided always, that the Board of Trade and the Company jointly may make such Byelaws or Rules for regulating the Use of any such Crane, and the Times at which only the same shall be used, as they shall think fit, and may from Time to Time alter or revoke any such Byelaws, but no Rule or Byelaw made jointly shall be altered or revoked by the Company solely, and make others in lieu thereof; and for every Breach of any such Byelaw, or of the Regulations of this Act, with respect to such Crane or the Use thereof, the Occupier of the said Wharf for the Time being shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Ten Pounds for every Day during which such Offence shall continue, and such Occupier shall also pay and make good all Damages occasioned by the Insufficiency or Misuse of the said Crane, or by any Breach of such Byelaws or Regulations: Provided always, that nothing herein contained, nor shall the Construction of the said Framework, or the Access to or Use hereby granted of the said Canal, in anywise diminish, prejudice, or affect the Rights of the said Company or of the said *Tom Benjamin Batchelor* respectively, but that the same shall be and remain as before the passing of this Act, excepting as herein-before provided.

XXIII. And whereas the Railways and Tramroads hereby authorized to be made will intersect numerous private Tramroads which now form Junctions with the existing Railways and Tramroads of the Company: Be it enacted, That the Company shall, at their own Expense, alter and divert every such private Tramroad so that the same may form a Junction with the Railway or Tramroad by which the same shall be intersected, equally convenient with the original Junction

Provisions as
to private
Tramroads.

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Junction of such private Tramroad with the existing Railway or Tramroad of the Company ; and every such Alteration and Diversion shall be deemed to be the Substitution of a sufficient Road instead of the private Tramroad so intersected within the Meaning of the said Railways Clauses Consolidation Act, and the Fifty-third and Fifty-sixth Sections of that Act shall not apply to any such private Tramroad ; but for the Failure to make any such Alteration or Diversion the Company shall be liable to the Penalties and special Damage provided by the Fifty-fourth and Fifty-fifth Sections of that Act ; and the Company may take up and remove such Portion of each such private Tramroad as will be rendered unnecessary by such Alteration and Diversion thereof, and shall restore the Rails and Materials thereof to the Persons using such private Tramroad ; and after the Removal thereof no Person shall, without the Consent of the Company, lay down any other Tramroad in lieu of the Portion so removed, or have any Right of Way across the Line of the Railway or Tramroad of the Company at the Point whence the same shall have been removed.

Power to let off Water from Newport and Pontypool Canal.

XXIV. That the Company may, during the Progress of the said Works, and for the Purpose of the Construction of the Railway firstly herein-before described and authorized through the Borough of *Newport* (on giving Fourteen Days previous Notice of their Intention so to do in some Newspaper published in the County of *Monmouth*), let off the Water, or any Part thereof, from that Portion of the Canal of the Company, called the *Newport and Pontypool* Canal, which is situate within the municipal Boundaries of the Borough of *Newport*, for such Period not exceeding Three Months as they shall specify in such Notice : Provided always, that nothing in this Act shall authorize the Company to let off the Water from the said Portion of the said Canal more than once, and at the End of the said Period the Company shall restore the Water in the said Portion of the said Canal to its proper Level.

Company to make Compensation to the Brecknock and Abergavenny Canal Company for Loss of certain Traffic.

XXV. That the Company shall and they are hereby required to make to the Company of Proprietors of the *Brecknock and Abergavenny* Canal Navigation full Compensation for any Loss which they may sustain by reason of Interruption to that Part of the Traffic upon their Canal which also passes along the *Monmouthshire* Canal for the Period during which the Water shall be drawn off from the said Portion of the *Newport and Pontypool* Canal, and the Amount of such Loss shall be ascertained by comparing the aggregate Amount shown by the Books of the said Company of Proprietors to have been received by them for the Traffic aforesaid during the corresponding Period of the Year next preceding the Year in which such Interruption of Traffic shall take place, with the aggregate

Amount

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Amount which shall be shown by the same Books to have been received by the said Company of Proprietors for the same Description of Traffic during the Period of such Interruption, and the Amount (if any) by which the said first-mentioned aggregate Amount shall exceed the said last-mentioned aggregate Amount shall be taken to be the Loss sustained by the said Company of Proprietors; and in default of Payment by the Company of such Amount as may be ascertained in manner aforesaid to be due to the said Company of Proprietors, after Demand in Writing under the Common Seal of the said Company of Proprietors served upon or left for the Chief Clerk of the Company at their principal Place of Business, it shall be lawful for the said Company of Proprietors to sue for and recover the said Amount from the Company, with full Costs of Suit, in any Court of competent Jurisdiction.

XXVI. That, except as by this Act expressly authorized, nothing herein contained shall prejudice, diminish, or take away any of the Rights, Powers, Privileges, or Authorities vested in the Company of Proprietors of the *Brecknock and Abergavenny* Canal Navigation.

Saving Rights of Brecknock and Abergavenny Canal Company.

XXVII. That the Company shall and they are hereby required during the Period while the Water shall be drawn off from the said Portion of the said Canal to convey all Iron, Coal, Minerals, and other Goods from the temporary Terminus of the said Canal to the Wharves on the River *Usk* at *Newport*, to which the same Matters may be consigned, or, as the Case may be, to the Dock at *Newport*, and also to convey from the said Wharves or Docks to the temporary Terminus of the said Canal all such Matters as aforesaid free of all additional or extra Charge or Expense to the Owners, Carriers, or Consignees thereof, and so as to prevent any unnecessary or avoidable Delay occurring in the Conveyance of such Iron, Minerals, or other Goods to or from the said Wharves or Dock during the said Stoppage of the said Portion of the said Canal, and the Company shall, if required so to do, keep and deliver each Boat Load of Iron, Coal, Minerals, or other Goods separately, and shall load the same on Trucks on the Arrival of each Boat; and if the Company shall make default in any of the Matters in this present Enactment mentioned they shall for every such Offence forfeit and pay to the Party injured by such Default any Sum not exceeding Five Pounds, in addition to any Damage which such injured Party may sustain by reason of any such unnecessary Delay as aforesaid, and such Penalty and Damages may be recovered by summary Proceeding before Two Justices.

For Protection of Freighters on Canal during the Period of Stoppage.

XXVIII. That the Company may stop up and for Purposes of Navigation discontinue the Use of that Part of the said Canal which lies above the Junction thereof with the *Brecon and Abergavenny*

Power to discontinue Use of Part of Canal.

[Local.]

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Canal,

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Canal, and may fill up or otherwise abandon the same, and may in lieu thereof provide and maintain Culverts, Watercourses, Ponds, and other necessary Works in or upon their own Lands for conveying Water to the remaining Part of their said Canal: Provided always, that for the Purpose last aforesaid the Company shall not take Water from any Sources not belonging to them, except those from which their said Canal is now supplied; provided also, that the Company shall complete that Part of the Railway secondly authorized by this Act which extends from *Crane Street* in the Town of *Pontypool* to the Canal Head at *Pontnewynydd* within Three Months after they shall have prevented the Navigation of the said Part of their said Canal; provided also, that the Portion of the said Canal which lies between *Crane Street* in the Town of *Pontypool* aforesaid and the said Junction thereof with the *Brecon and Abergavenny* Canal aforesaid shall not be stopped up, or the Use thereof discontinued, until the Line of Railway between *Crane Street* in *Pontypool* aforesaid and the *Newport Dock Company's* Bridge over the Canal at *Newport* shall be opened for Traffic.

For Con-
veyance of
Goods dur-
ing Stoppage
of Canal
above Ponty-
pool.

XXIX. Provided also, That so soon as the Company shall have so prevented the Navigation of the said Part of the Canal, and until the Company shall have become Carriers, as herein-before provided, on the *Blaenafon* Railway, and have opened for Traffic the Portion of their Railway between the said Canal Head and *Crane Street*, the said Company shall convey all Iron, Coal, Minerals, and other Goods between the temporary Terminus of their Canal at *Crane Street* aforesaid and the said Canal Head, and *vice versâ*, free of all additional or extra Charge or Expense to the Owners, Carriers, or Consignees thereof, and shall afford, free of all extra Charge, all necessary Facilities for the loading and unloading of the said Matters at the said Terminus of the Canal, and for the forwarding the same to or from the said Terminus; and the Company shall be subject to the same Penalties in case of Default in any of the Matters in this Section contained which they are herein-before subjected to for Default touching the Conveyance of Traffic on the *Newport and Pontypool* Canal.

Company to
erect a Sta-
tion at New-
port.

XXX. That the Company shall erect and maintain a proper and convenient Station for Goods at some Place in the Town of *Newport* situate on the South of the Line of the *South Wales* Railway.

Limiting
Speed in
certain Cases.

XXXI. That it shall not be lawful for the Company to lead or propel on any Part of their Undertaking not laid with Edge Rails the Coal Waggon belonging to or rented by any other Person or Persons at a greater Speed than at the Rate of Ten Miles an Hour, without the Consent in Writing of the Owner or Owners or Lessee or Lessees of such Waggon for that Purpose first obtained.

XXXII. That

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XXXII. That the Company may stop and discontinue the Use of and may cease to carry upon such Parts of their existing Railways or Tramroads as will be rendered unnecessary by reason of the Railways, Tramroads, and new Works by this Act authorized, and may, if they think fit, remove the Rails and Materials thereof, and dispose of the same as they shall think fit; but no Part of any such existing Railway or Tramroad shall be stopped until the new Railway or Tramroad intended to be substituted for the same shall be completed and opened for Traffic; and the Rights of all Persons to use each such Portion of Railway or Tramroad the Use whereof shall be so stopped shall thereupon cease, and in lieu thereof they shall have the same Right of using the new Railway or Tramroad substituted for the same, and the Company shall be bound to carry upon each substituted Railway or Tramroad in like Manner as upon the Portion of Railway or Tramroad the Use whereof shall be so stopped or discontinued.

Company may discontinue Use of unnecessary Lines.

XXXIII. That the Lands of the Company in, through, or upon which those Portions of Railway or Tramroad and of the *Newport and Pontypool* Canal are made, the Use whereof shall be so stopped or discontinued by the Company as aforesaid, shall be deemed to be superfluous Lands within the Meaning of "The Lands Clauses Consolidation Act, 1845."

Site of Railways and Canal so discontinued to be deemed superfluous Lands.

XXXIV. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

Expenses of Act.

XXXV. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament for the Time being in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

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

XXXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the same Reign, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the same Reign, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the same Reign, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized*

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

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and 14 &
15 Vict. c. 64.

authorized or to be authorized by any Act of the present or any succeeding Sessions of Parliament, and for other Purposes in relation to Railways; and Two other Acts were passed in the Ninth and Tenth Years of the same Reign, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt any of the Railways of the Company by this or the several recited Acts authorized (being Railways adapted for the Passage thereon of Locomotive Engines and Carriages), or the Company, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect of such Railways and Company so far as the same shall be applicable thereto.

Railways not
exempt from
Provisions of
future Ge-
neral Acts.

XXXVII. That nothing in this Act shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized (being Railways adapted for the Passage thereon of Locomotive Engines and Carriages) from the Provisions of any General Act relating to such Acts, or 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 authorized by the said recited Acts or this Act.

Interpreta-
tion of
Terms.

XXXVIII. That in construing this Act the following Words shall have the Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Company" shall mean the *Monmouthshire Railway and Canal Company* :

The Word "Railways" shall include Tramroads :

The Word "Toll" shall include any Charge or Payment for any Passenger, Animal, or Goods conveyed upon any Canal or Railway, whether for the Use of the Canal or Railway, or for moving Power, or for the Use of Carriages ;

The Word "Carriage" shall include Waggon and other Vehicles used for the Conveyance of Passengers, Animals, or Goods of whatever kind.

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