



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xvi.

An Act to enable the *Vale of Neath* Railway Company to construct certain Extensions of their Lines of Railway, and for other Purposes.

[28th May 1852.]

WHEREAS by the "*Vale of Neath* Railway Act, 1846," the *Vale of Neath* Railway Company, thereby incorporated, (in this Act called "the Company,") were empowered to make and maintain (amongst other Works) a Railway from the *South Wales* Railway at or near to the Town of *Neath* in the County of *Glamorgan* to *Merthyr Tydfil* in the same County (which Railway is in this Act called "the Main Line"), also a Branch Railway from the Main Line at or near to a Place called *Blaengwrach*, in the Parish of *Glyncorwg* in the County of *Glamorgan*, to the Wharfs or Yards of the Collieries of *Pwllfaron* in the Parish of *Cadoxton-juxta-Neath* in the County of *Glamorgan* (which said Branch Railway is in this Act called the "*Pwllfaron* Branch"), and also another Branch Railway from the Main Line at or near to a Place called *Clyn-y-bont* otherwise *Blaengwrach* in the said Parish of *Glyncorwg* to Two several Places called *Maesmarchog* and the *Dinas* Tramroad at *Abernant* in the said Parish of *Cadoxton-juxta-Neath* (which said lastly-described Branch Railway is in this Act called the *Maesmarchog and Dinas* Branch): And whereas

[Local.] X x by

9 & 10 Vict.
c. 341.

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by the "*Vale of Neath Railway Amendment Act, 1847*," the Company were empowered to make and maintain (amongst other Works) a Railway to commence from the Main Line between the Thirteenth and Fourteenth Miles thereof as marked in the Parliamentary Plans thereof referred to in the Act now in recital, and to terminate near *Rhygos* in the Parish of *Ystradyfodwg* in the County of *Glamorgan* (which said lastly-described Railway is in this Act called the *Rhygos Branch*), and also a Railway diverging from the Main Line at or near the Twentieth Mile thereof as marked on the Plans relating thereto, and terminating by a Junction with the *Heolyfelin Branch* of the *Vale of Neath Railway* at or near the Terminus of such Branch in the Parish of *Aberdare* in the County of *Glamorgan*, as shown on the said Plans (which said lastly-described Railway is in this Act called the *Aberdare and Heolyfelin Branch*): And whereas by the firstly-recited Act Powers were conferred upon the Company and the *South Wales Railway Company* for the leasing or Sale to the latter Company of the Railways of the Company: And whereas it is expedient that the Company should be empowered to construct the Railways and new Works by this Act authorized, and to relinquish the Construction of Part of the Railways by the recited Acts authorized, and that further Powers should be granted to the Company with regard to the Capital of the Company; but the several Objects 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,)

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

I. That "*The Lands Clauses Consolidation Act, 1845*," and "*The Railways Clauses Consolidation Act, 1845*," as modified by this Act, shall be incorporated with this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Vale of Neath Railway Act, 1852*."

Railway to
be made ac-
cording to
deposited
Plans.

III. And whereas Plans and Sections of the proposed Railways and new Works showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Clerks of the Peace for the Counties of *Glamorgan* and *Brecon*: Be it enacted, That, subject to the several Powers, Provisions, and Restrictions contained in this Act and the Acts incorporated herewith, it shall be lawful for the Company to make and maintain the said Railways and new Works in the Lines and upon the
Lands

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Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, purchase, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as shall be necessary for the Purposes thereof.

IV. That the Works by this Act authorized shall comprise the following Works; (that is to say,) Description
of new
Works.

First, a Railway commencing from and out of the Main Line at a Point near a certain Place called *Gellytarw* in the Parish of *Penderyn* in the County of *Brecon*, and terminating by a Fork at or near to Two several Places called respectively *Fforchaman* and *Blaenamanfach*, both in the said Parish of *Aberdare* :

Secondly, a Railway commencing from a Point situate about Fifteen Chains to the South of a certain Place called *Velincwm* on the River *Dare*, and about Thirty Chains to the West of the *Aberdare* old Church in the said Parish of *Aberdare*, and terminating at or near to a Place called *Pwllfadare* in the Parish of *Aberdare* aforesaid :

Thirdly, a Railway commencing out of the Main Line at or near the present Station thereof at *Aberdare*, and terminating at or near a Place called the *Canal Head* in the Parish of *Aberdare* aforesaid :

Fourthly, a Road or Approach to the proposed *Merthyr Tydfil* Station of the Company, commencing from a Point near the old Church in the Street called *High Street* in the Parish of *Merthyr Tydfil*, and leading towards and into a certain Garden called *Maerdy Garden* in the same Parish, near to the North-west Corner of the same Garden.

V. That the Railways and Works by this Act authorized shall be deemed Part of the Undertaking of the Company, and the Capital of the Company may be applied to the Construction thereof, in the same Manner as if the same had originally formed Part of the Undertaking of the Company. New Lines
to form Part
of original
Undertaking.

VI. That the Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act. Period for
compulsory
Purchase of
Land limited.

VII. That the Railways and Works by this Act authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period all the Powers hereby granted to the Company for executing the said Railways and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed. Period for
Completion
of Works.

VIII. That

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Gauge of
Railways.

VIII. That the Railways by this Act authorized shall be constructed on the same Gauge as the other Railways of the Company.

Power to
cross Roads
on the Level.

IX. That, subject to the Provisions of "The Railways Clauses Consolidation Act" in reference to the crossing of Roads on the Level, it shall be lawful for the Company to carry the Railways by this Act authorized across and on the Level of the following Roads; (that is to say,)

In the Parish of *Aberdare*, the Roads numbered respectively 125, 136, 218, 289, 384, and 69, in the Plans so deposited as aforesaid.

Company
to erect a
Station or
Lodge at
the Points
of crossing,
and to abide
by Rules, &c.
of Board of
Trade.

X. That, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at each Point where the said Railways cross the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, 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; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a 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 imposed.

Board of
Trade may
require
Bridges in-
stead of level
Crossings.

XI. That the Lords of the said Committee may, if it shall appear to them to be necessary for the Public Safety, at any Time hereafter require the said Company, within such Time as the Lords of the said Committee shall direct, and at the Expense of the said Company, to carry any or either of the herein-before mentioned Roads either over or under the said Railways 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 Lords of the said Committee the best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that where any such Road shall be so carried either under or over the said Railways, it shall not be necessary for the said Company to erect or maintain any Station or Lodge at the Point where such Road was intended to be crossed on the Level, nor to appoint any Person to watch or superintend the crossing thereat, nor shall they be liable to any of the aforesaid Penalties for Failure so to do.

XII. And

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XII. And whereas the *Aberdare* Iron Company are the Owners, Lessees, or Occupiers of the Ironworks of *Aberdare* in the Parish of *Aberdare*, and of the Lands and Mining and Mineral Grounds belonging thereto, and are in the Possession and Exercise of certain Powers of mining, building, planting, making Roads, using and diverting Waters, depositing Refuse and Rubbish, with divers other Rights, Privileges, and Conveniences: And whereas the above-mentioned Lands and Grounds abounded in Coal, Iron, Stone, and other Minerals: And whereas the proposed Extension to the *Aberdare* Canal passes over Part of the said Lands and Grounds, and it is therefore expedient that due Provision should be made for the Protection of the *Aberdare* Iron Company, and of the future Owners, Lessees, or Occupiers of the said Ironworks, Lands, and Grounds: Be it enacted, That nothing in this Act contained shall authorize or empower the said Railway Company, in making the Line of the said Extension Railway, to deviate more than Fifty Yards from the Centre Line of the said Railway as defined upon the before-mentioned deposited Plans, without the Consent in Writing of the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers for the Time being as aforesaid, being first had and obtained.

For Protec-
tion of the
Aberdare
Iron Com-
pany.

XIII. That it shall be lawful for the said *Aberdare* Iron Company, or such Owners, Lessees, or Occupiers as aforesaid, to work any of their Mines of Coal, Iron, Limestone, Slate, Clay, or other Mines or Minerals lying within the Distance of Twenty Yards from the Fence on either Side of the said Extension Railway.

As to work-
ing of Mines
by the *Aber-
dare* Com-
pany.

XIV. That the Company shall abandon the following Portions of the Works by the recited Acts respectively authorized; (that is to say,) the *Pwllfaron* Branch, the *Maesmarchog and Dinas* Branch, the *Rhygos* Branch, and so much of the *Aberdare and Heolhyfelin* Branch as lies between the Commencement thereof and the Point where it crosses the Road leading from *Aberdare* to *Merthyr*, numbered 141 upon the Parliamentary Plans referred to in the secondly-recited Act as regards Lands in the said Parish of *Aberdare*; and so far as regards the said Works so to be abandoned, the Powers of the recited Acts shall, upon the passing of this Act, cease and determine.

Abandon-
ment of
Part of
authorized
Works.

XV. That in any Case where before the passing of this Act any Contract hath been entered into or Notice given by the Company for purchasing any Lands which they were by the recited Acts or any of them empowered to purchase for the Purpose of constructing the Railways and Portion of Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of or other Parties interested in such Lands full Compensation for all Injury or Damage (if any) sustained by such Owners, Occupiers, and other

Compensa-
tion to be
made where
Contracts
have been
entered into
or Notices
given.

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Parties,

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Parties, by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Railways and Portion of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation Act contained.

Tolls.

XVI. That it shall be lawful for the Company to demand and receive, in respect of the Use of the said Railways by this Act authorized, and of the Engines and Carriages employed thereupon, any Tolls and Charges not exceeding the maximum Rates of Tolls and Charges limited by the said firstly-recited Act: Provided always, that in calculating the Distance traversed by any Articles or Persons conveyed upon the Railways of the Company already authorized, or any of them, and also upon the Railways by this Act authorized, or any of them, such Distance shall be calculated continuously along such Parts both of any Railway already authorized and of any Railway by this Act authorized as shall be traversed by such Articles or Persons; and where the Distance so calculated shall in the whole be less than Six Miles the Company may demand Tolls as and for Six Miles, and where such Distance shall be Six Miles or more the Company may demand the Tolls by the firstly-recited Act authorized in respect of the like Distance.

Power to cancel unissued Shares.

XVII. That all Shares in the Company which at the Time of the passing of this Act shall not have been issued, and in respect of which no Person is named in the Register of Shareholders of the Company as Owner thereof, may, by the Vote of any Extraordinary Meeting of the Company, be cancelled, and shall thereupon be cancelled, and shall be deemed not to have been created.

Forfeited Shares which cannot be sold may be cancelled after Notice.

XVIII. That in all Cases where any Share shall have been or shall hereafter be declared forfeited, and such Declaration of Forfeiture has been or shall hereafter be confirmed in manner required by "The Companies Clauses Consolidation Act, 1845," and Notice shall be given by the Company in the *London Gazette* and in One Newspaper of the County of *Glamorgan* of such Forfeiture or intended Forfeiture, and

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that such Share will become cancelled if the Arrears of Calls and Interest due thereon be not paid within the Space of One Calendar Month from the Publication of such Notices, then, in case such Arrears and Interest be not paid within such last-mentioned Period, and the Market Price of Shares of the same Class in the Company in the City of *London* shall then or at any Time thereafter be less than the Arrears of Calls and Interest due in respect of such Shares, the same shall become absolutely cancelled, and the Proprietor thereof shall thenceforth be precluded from all Right or Interest therein; and a Declaration in Writing made by some credible Person not interested before any Justice of the Peace, stating that a Sum of Money sufficient to pay the Arrears of Calls, and the Interest due in respect of such Shares, could not be obtained for the same, according to the Market Price of such Shares in the City of *London*, shall be sufficient Evidence of the Facts therein stated: Provided nevertheless, that such Forfeiture and cancelling shall not affect or alter the Liability of the last Proprietor of any such Share to pay to the Company the Arrears of Calls and Interest due in respect of such Share at the Time of the cancelling thereof, after deducting therefrom the Market Value of such Share according to the Market Price of Shares in the City of *London* at the Time of such cancelling as aforesaid, or the Powers of the Company to enforce Payment thereof by Action.

XIX. That the Company, with the Consent of an Extraordinary Meeting of the Shareholders called for that Purpose, and with the Assent of the Holder of any Share after the passing of this Act liable to be declared forfeited, may, instead of forfeiting such Share, declare the same Share cancelled, and thereupon the same, and all Rights, Claims, and Demands in respect thereof, shall cease to exist, and every Share so cancelled shall be deemed not to have been created.

Power to
cancel cer-
tain Shares
by Consent.

XX. That the Company may, with the like Consent of an Extraordinary Meeting, accept Surrenders of any Shares from the Holders thereof, and thereupon the same, and all Rights, Claims, and Demands in respect thereof, shall cease to exist, and every Share so surrendered shall be deemed not to have been created.

Power for
Company to
accept Sur-
renders of
Shares.

XXI. That in lieu of any Shares cancelled or surrendered by virtue of this Act it shall be lawful for the Company, from Time to Time, with the Approbation of Three Fifths at least of the Votes of the Proprietors present in Person or by Proxy at any Extraordinary Meeting of the said Company, to create new Shares, of such nominal Amount, and to attach to such new Shares any Preference, Priority, or guaranteed Interest or Dividend, not exceeding the Rate of Six Pounds

New Shares
may be
created in
lieu of Shares
cancelled or
surrendered.

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Pounds *per Centum per Annum*, and such other Advantages as to such Meeting shall seem fit; and all and every Part of the Money to be received by the Company in respect of the said Shares shall be applied exclusively to the Purposes authorized by this Act and the recited Acts relating to the Company: Provided always, that the Company shall not, by the Creation of new Shares as aforesaid, increase the aggregate nominal Amount of Capital which they are authorized to raise by virtue of the several Acts of Parliament relating to the Company.

As to Disposal of new Shares.

XXII. That the new Shares which shall be created by virtue of this Act shall be issued and disposed of to such Persons, at such Times, and in such Manner, and on such Conditions as the Meeting creating the same, or any General Meeting of the Company specially convened for the Purpose, may determine: Provided always, that if so expressed in any Surrender of Shares made under the Powers of this Act, the Person surrendering the same shall be entitled to demand and receive new Shares of the same nominal Value as the Shares so surrendered.

Further Provisions as to new Shares.

XXIII. That all new Shares created under the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferable as such, in the Manner provided and directed by "The Companies Clauses Consolidation Act, 1845;" and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Shares in the Undertaking of the Company, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the nominal Amount of such new Share or Shares; and all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to forfeit and to sell Shares in case of Nonpayment of Calls, and all other the Provisoes, Indemnities, Remedies, Clauses, Matters, and Things contained in "The Companies Clauses Consolidation Act, 1845," shall apply to such new Shares, and the Proprietors thereof, save so far as any of such Powers, Provisoes, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered; and the several Proprietors of such new Shares shall be and are hereby united to and incorporated with the Company.

Calls.

XXIV. That Twenty *per Centum* on the nominal Amount of each of such new Shares shall be the greatest Amount of any One Call which the Directors of the Company may make on or in respect of any Shares created by virtue of this Act, and Three Months at the least shall be the Interval between successive Calls.

XXV. That

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XXV. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of Shares held by him in the Capital by this Act or the recited Acts authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Interest or Dividend not to be paid on Calls paid up.

XXVI. That it shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now or hereafter to be 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 other Railway or execute any other Work or Undertaking.

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

XXVII. 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 Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, 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 Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or 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 Reign of Her said Majesty, respectively intituled *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 the said Railway or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway or Company 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.; and 14 & 15 Vict. c. 64.

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XXVIII. That

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

XXVIII. That nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Acts 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 to be taken by this Act.

Expenses
of Act.

XXIX. That the Costs and Expenses of and attending the passing of this Act shall be paid by the Company.

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