



CHAPTER clii.

An Act for enabling the Great Western Railway Company to construct railways from the Swansea branch of their railway to the Swansea Vale Railway, for vesting in them the undertaking of the Company of Proprietors of the Swansea Canal Navigation ; and for other purposes.

A.D. 1872.

[25th July 1872.]

WHEREAS it is expedient that the Great Western Railway Company (in this Act called "the Company") should be empowered to construct railways from the Swansea branch of their railway to the Swansea Vale Railway :

And whereas plans and sections, showing the lines and levels of the railways by this Act authorised, with a book of reference to such plans, have been deposited with the clerk of the peace for the county of Glamorgan, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference respectively :

And whereas by an Act passed in the 34th year of the reign of His Majesty King George the Third, intituled "An Act for making " and maintaining a navigable canal from the town of Swansea in " the county of Glamorgan into the parish of Ystradgunlais in the " county of Brecon," a company (in this Act called "the Canal Company") was incorporated by the name and style of "the Company of Proprietors of the Swansea Canal Navigation," with power to make the said canal, except that portion thereof which passed through the fee of Trewyddfa in the county of Glamorgan belonging to his grace the Duke of Beaufort, which portion the said Duke of Beaufort, his heirs and assigns, were thereby authorised and required to make, complete, and maintain, with power to demand and receive rates, tolls, and duties in respect thereof :

And whereas the whole of the said canal has been long since opened :

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And whereas the Company and the Canal Company have, subject to the approval of Parliament, agreed, and it is expedient that the undertaking of the Canal Company should be vested in the Company :

And whereas it is also expedient that the Company should be empowered to enter into and carry into effect agreements with the Duke of Beaufort, his heirs and assigns, with reference to the purchase by or lease to the Company of that part of the Swansea Canal known as the Trewyddfa Canal, and all the estate, right, and interest of the said Duke, his heirs or assigns, therein and in respect thereof :

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act :

And whereas the objects aforesaid cannot be attained 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 :

Short title.

1. This Act may be cited for all purposes as the "Great Western Railway (Swansea Canal) Act, 1872."

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act :

The provisions of the Companies Clauses Consolidation Act, 1845,
With respect to the distribution of the capital of the Company into shares :

With respect to the transfer or transmission of shares :

With respect to the payment of subscriptions and the means of enforcing the payment of calls :

With respect to the forfeiture of shares for nonpayment of calls :

With respect to the remedies of creditors of the Company against the shareholders :

With respect to the borrowing of money by the Company on mortgage or bond :

With respect to the conversion of the borrowed money into capital :

With respect to the consolidation of the shares into stock :

With respect to the giving of notices :

With respect to the provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863 : A.D. 1872.

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869 :

The Railways Clauses Consolidation Act, 1845 :

Part I. (relating to the construction of a railway) and Part V. (relating to amalgamation) of the Railways Clauses Act, 1863 :

The said Part V. of the last-mentioned Act shall apply to the Company and to the Canal Company as if both those companies were railway companies, and were amalgamated by this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction : Interpretation.

The expression "the Company" means the Great Western Railway Company :

The expression "the railways" or "the railway" means the railways by this Act authorised, or any one of them, or any part thereof :

The expression "the Canal Company" means the Company of Proprietors of the Swansea Canal Navigation :

The expression "the vesting period" means the thirtieth day of June one thousand eight hundred and seventy-two :

And the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute.

4. Subject to the provisions of this Act, the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose : Power to make railways.

The railways herein-before referred to and authorised by this Act are,—

No. 1. A railway (two miles three furlongs and seven chains or thereabouts in length) to be wholly situate in the county of Glamorgan, commencing in the parish of Saint John juxta Swansea, by a junction with the Swansea branch railway of the Company, and terminating in the parish of Llangafelach, near to and on the north-western side of the Tyr Canol Colliery :

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No. 2. A railway (one furlong five chains and eighty links or thereabouts in length) to be wholly situate in the said parish of Llangafelach connecting railway No. 1 with a branch of the Swansea Vale Railway near the Tyr Canol Colliery.

Those railways shall for all purposes, including the demanding and recovering of tolls, rates, and charges, be deemed to be part of the Company's undertaking; and the tolls, rates, and charges to be demanded and recovered upon or in respect thereof and the traffic thereon shall not exceed the tolls, rates, and charges for the time being authorised to be levied on the South Wales section of the Company's railway :

Provided always, that the Company shall not under the powers of this Act take or use or otherwise interfere with any portion of the Trewyddfa Canal shown on the deposited plans without the consent in writing of the Duke of Beaufort, his heirs or assigns, or other the owner for the time being of the said canal, except so far as may be necessary for carrying the railway by this Act authorised over the same as shown on the deposited plans and sections.

Power to cross a certain road on the level.

5. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained, in reference to the crossing of roads on the level, it shall be lawful for the Company in the construction of the railway No. 1 to carry the same with a single line only whilst the railway No. 1 shall consist of a single line, and afterwards with a double line only across and on the level of the road next herein-after mentioned ; (that is to say,)

| No. on deposited plan. | Parish. | Description of road. |
|------------------------|------------------|----------------------|
| 32 | Llangafelach - - | Public road. |

Inclinations of certain roads.

6. In altering for the purposes of railway No. 1 the roads next herein-after mentioned, the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively ; (that is to say,)

| No. on deposited plan. | Parish. | Description of road. | Intended inclination. |
|------------------------|----------------|-----------------------------|-----------------------|
| 51 | Llangafelach - | Road and bridge over canal. | 1 in 8 |
| 141 | Llangafelach - | Public road - - | 1 in 9½ |

7. The Company, shall not less than eight weeks before they take in any parish fifteen houses or more, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

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Notice to be given of taking houses of labouring classes.

8. And whereas in constructing the railways by this Act authorised, the Company may require parts only of several works or manufactories, and the buildings and properties connected therewith, on the line of the railways, and those parts can be severed from the remainder of the several works or manufactories, and the buildings and properties connected therewith, without any material detriment thereto :

Company not required to purchase the whole of certain properties.

Therefore, the Company may, notwithstanding the 92nd section of the Lands Clauses Consolidation Act, 1845, purchase and take such parts only of the said several works or manufactories, and the buildings and properties connected therewith, as they may require in constructing the railways by this Act authorised, without being obliged or compellable to purchase the whole or any greater portion than they so require of the said several works or manufactories, buildings, and properties, the Company paying for the portions so required, and making compensation for any damage sustained by the owners thereof, by severance or otherwise, in the execution of the works by this Act authorised.

9. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed two acres.

Lands for extraordinary purposes.

10. 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.

Period for compulsory purchase of lands.

11. The railways shall be completed within five years from the passing of this Act, and if they are not so completed, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for completion of railways.

12. If the Company fail within the period limited by this Act to complete the railways they shall be liable to a penalty of fifty

Imposing penalty unless railways opened.

A.D. 1872. pounds a day for every day after the expiration of the period so limited until the same are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways.

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act seventeen and eighteen Victoria, chapter thirty-one, known as the *Railway and Canal Traffic Act, 1854.*

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the Act seventeen and eighteen Victoria, chapter thirty-one, to an account to be opened, in the name and with the privity of the Accountant General of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railways by unforeseen accident or circumstances beyond their control; provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for applica-
tion of
penalty in
compensa-
tion to par-
ties injured.

13. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of the railways conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit.

If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall be paid to the Company.

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14. No part of railway No. 1 shall be used for the purposes of traffic before railway No. 2, including the junction with the Swansea Vale Railway, is completed and opened for the purposes of traffic.

Provision as to opening of railway No. 2.

15. The Company shall, so far as they can legally do so, at all times hereafter afford to the Swansea Vale Railway Company in respect of traffic arising at or destined for any station, siding, or works on the railways of that company all needful accommodation, facilities, and conveniences over the railways of the Company for the transmission of such traffic, such accommodation, facilities, and conveniences to include through booking and invoicing at through rates to stations on and beyond the railways of the Company to be agreed on or settled by arbitration as herein-after provided, and so far as reasonably practicable through carriages and waggons.

Facilities to be afforded by Company to Swansea Vale Railway Company.

The accommodation, facilities, and conveniences to be afforded, and the terms, conditions, restrictions, and limitations upon which the same shall be afforded, and any question which may from time to time arise between the Swansea Vale Railway Company and the Company in relation thereto shall in case of difference between them be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859.

16. The Company from time to time by the order of any general meeting of the Company may, for the purposes of this Act with respect to the construction of the railways, raise by the creation and issue of new stock such sum or sums of money as they shall think necessary, not exceeding one hundred thousand pounds, exclusive of the other moneys which they are or may be authorised to raise by this Act, or by any other Act or Acts of Parliament, and the Company may create and issue the last-mentioned new stock either wholly or partially as consolidated ordinary stock, or wholly or partially as preferential stock, as they may think fit.

Power to Company to create new stock.

17. The Company may from time to time in raising any portion of the additional capital by this Act authorised dispose of all or any of the stock representing the same, at such times, to such persons, on such terms and conditions, and in such manner as the directors think advantageous to the Company.

General power to dispose of new stock.

18. If the Company after having created any new stock determine not to issue the whole of the stock so created, they may cancel the unissued stock, and may from time to time thereafter create and issue instead thereof other new stock of an aggregate amount not exceeding the aggregate amount of the stock so cancelled; and in like manner the Company may create and issue

Power to cancel unissued stock.

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A.D. 1872. new stock in lieu of any new stock which may have been issued and redeemed.

As to amount, payment, and disposal of new stock.

19. Any new stock, whether consolidated, ordinary, or preferential, which the Company may create shall be of such amount and payable by such instalments and at such periods as the Company shall prescribe, and any such new stock, whether consolidated, ordinary, or preferential, which the Company may create shall, except where otherwise expressly provided, be issued at such times, in such manner, and be subject to such terms and conditions as the Company shall prescribe.

Stock not to be issued until one fifth part paid up.

20. The Company shall not issue any new stock, nor shall any such new stock vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such stock shall have been paid in respect thereof.

Except as otherwise provided new stock created by Company to be subject to the same incidents as other stock, &c.

21. Except as by or under the provisions of this Act otherwise provided, the capital in new stock created by the Company under this Act, and the new stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company, and that new stock were stock in that capital of a similar class or description.

The capital in new stock so created shall form part of the capital of the Company of a corresponding class or description.

Dividends on new stock created by Company.

22. Every person who becomes entitled to new stock shall, in respect of the same, be a holder of stock in the Company, and shall be entitled to a dividend with the other holders of stock of the same class or description proportioned to the whole amount from time to time called and paid on such new stock.

Restriction as to votes in respect of new preferential stock.

23. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new stock to which a preferential dividend shall be assigned.

Power to borrow.

24. The Company may from time to time borrow on mortgage, or raise by the issue of debenture stock of the Company, or partly by one means and partly by the other, any sum not exceeding in the whole thirty-three thousand pounds, in addition to any other sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, but no part thereof shall be borrowed or raised until stock for the whole capital of one hundred thousand pounds which the Company are by this Act authorised to raise by new stock is issued and taken up, and one half of that capital is paid up,

and the Company have proved to the justice, who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that stock for the whole of that capital has been issued and accepted, and that one half of that capital has been paid up, and that not less than one fifth part of the amount of each portion of stock in that capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such stock was issued and taken bonâ fide, and is held by the persons to whom the same was issued or their assigns, and that such persons or their assigns are legally liable for the same; and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

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25. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds.

For appointment of a receiver.

26. On and after the passing of this Act the undertaking of the Canal Company (exclusive of moneys due and owing to the Canal Company, and tolls and rents accrued up to the vesting period and cash in their possession or under their control at that time), including all cuts, basins, locks, bridges, buildings, wharves, lands, works, conveniences, plant, property, and effects of the Canal Company, with all their incidents and appurtenances, and all tolls, rents, and other moneys accruing after the vesting period, and (subject to the provisions of this Act) all the rights, powers, and privileges of the Canal Company (which premises are in this Act referred to as "the canal") are by this Act as from the vesting period vested in the Company (subject to the contracts, obligations, and liabilities of the Canal Company and to all leases granted by the Canal Company, whether under express statutory power or otherwise), and the Canal Company shall be and is hereby dissolved, except for the purpose of paying its debts and discharging its liabilities up to the vesting period and winding up its affairs:

Undertaking of Canal Company vested in Company.

Provided always, that within three months from the passing of this Act the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printer, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the undertaking had

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been by a deed of conveyance; and if the Company shall not within the said period of three months produce to the said commissioners such copy of this Act duly stamped as aforesaid, the ad valorem stamp duty shall be recoverable from the Company with full costs of suit, and all costs and charges attending the same.

Company may exercise powers of Canal Company.

27. From and after the passing of this Act and as from the vesting period the Company may and shall, subject to the provisions of this Act, exercise and fulfil in their own name and under their own seal, and in the names and under the hands of their directors, officers, or servants, all the rights, powers, liabilities, and obligations of the Canal Company, whether with reference to the acquisition of lands, the construction of works, the maintenance of the canal, the supply of water, the borrowing of money, the demanding and recovering of tolls, rates, and charges, or otherwise in like manner as those rights, powers, liabilities, and obligations are authorised and required to be exercised and fulfilled by that company; and the Company shall as from the vesting period indemnify the Canal Company and their directors, officers, and servants from and against all liabilities and obligations of the Canal Company in reference to the maintenance of the canal, and supply of water, and otherwise incidental thereto, and all claims and demands in respect to the matters aforesaid under or by virtue of any contracts, leases, licenses, or otherwise howsoever.

Payment to Canal Company in respect of period between 30th June 1872 and 31st Jan. 1873.

28. The Company shall, on or before the thirtieth day of January one thousand eight hundred and seventy-three, pay to the Canal Company the sum of one thousand eight hundred and sixty-six pounds in lieu of and in satisfaction for any payment, by way of rent or otherwise, to which the Canal Company may be entitled in respect of the period from the thirtieth day of June one thousand eight hundred and seventy-two to the thirty-first day of January one thousand eight hundred and seventy-three.

Providing for conversion of canal shares into stock of the Company.

29. The Company shall, on or before the first day of February one thousand eight hundred and seventy-three, issue to each holder of a share in the Canal Company, and in lieu thereof, in respect of every share of one hundred pounds in the Canal Company held by him, two hundred and two pounds five per cent. consolidated preference stock of the company, to be issued as fully paid stock.

The Company may appropriate and apply to the acquisition of the undertaking of the Canal Company any consolidated preference stock which they are empowered to create and issue, and which is not required for the purposes of the Acts to which the same is made specially applicable.

The stock so issued shall entitle the holder thereof to the payment of the dividend thereon as from the thirty-first day of January one thousand eight hundred and seventy-three. A.D. 1872.

30. A certificate of consolidated preference stock of the Company, issued in substitution for any share in the Canal Company, shall be issued to the respective holder of such share free of any charge in respect thereof; but the Company shall not be required to issue any such certificate unless and until satisfactory evidence of the title of the holder to such share in the Canal Company has been given to the Company. Certificates of substituted stock to be issued.

31. The consolidated preference stock of the Company so issued shall remain and be vested in the person or persons to whom it is issued upon the same trusts (if any), and subject to the same powers, provisions, declarations, agreements, charges, liens, and incumbrances as at the time of the issue thereof affect the share in the Canal Company in substitution for which such stock of the Company is issued, and so as to give effect to and not revoke any testamentary disposition of or affecting such share. Substituted stock of the Company to be upon the same trusts, &c.

32. The Company may from time to time apply to the acquisition of the undertaking of the Canal Company any shares or stock (not exceeding in the whole the sum required for that purpose) which they are by "The Great Western Railway (Additional Powers) Act, 1871," authorised to create and issue, and which are not made applicable to any special purpose, or which, being so made applicable, are not required for the special purpose, and shall assign to all or any of such shares or stock a preferential dividend at the rate of five pounds per centum per annum, and the shares or stock to which such preferential dividend shall be so assigned shall rank whenever created *pari passu*, and be consolidated with the other consolidated preference stock of the Company. Power to apply other shares or stock to above purposes.

33. Notwithstanding anything in the recited Act or this Act contained, it shall not be lawful for the Company, from and after the passing of this Act, to demand or recover, in respect of the undertaking of the Canal Company by this Act vested in them, higher rates of toll than those set forth in the schedule to this Act as applicable to the several articles, matters, and things therein specified. Limiting tolls to be taken on canal.

34. The Company shall from time to time, and at all times from and after the passing of this Act, keep and maintain the canal and every part thereof, and all the works thereto belonging, so far as may be reasonable and necessary, well and sufficiently repaired, cleansed, scoured, and in good order and condition, so that the canal Canal to be kept open and in good repair.

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and every part thereof may at all times be kept open and navigable for the use of traders desirous to use and navigate the same, and that without any hindrance; interruption, or delay, but subject nevertheless to the provisions and restrictions in the recited Act as amended by this Act contained for the recovery of the tolls payable in respect of the said canal.

Compensation to present clerk of Canal Company.

35. The Company may and shall, as from the vesting period, pay to the present clerk and treasurer of the Canal Company the sum of two hundred pounds per annum, free of income tax, (which shall be paid by the Company,) during his life in respect of his loss of office, and such annual sum shall be payable quarterly; provided that the Company may at any time hereafter, by agreement with the said clerk, compound the said annual sum by payment of a sum in gross.

Questions between the Company and the Canal Company to be referred to arbitration.

36. If any question or difference shall arise between the Company and the Canal Company with respect to the vesting of the canal in the Company, or any matter or thing relating or incidental thereto, or otherwise under any of the provisions of this Act, the same shall be referred to a single arbitrator in pursuance of the "Railway Companies Arbitration Act, 1859."

Powers of certain sections of the recited Act of Geo. 3. not to be exercised by the Company.

37. The Company shall not exercise any of the powers to execute works contained in sections 98, 99, 103, and 110 of the recited Act of the 34th year of the reign of His Majesty King George the Third, or either of them; but nothing in this Act contained shall repeal, alter, vary, or in any way affect any of the powers, rights, authorities, and privileges conferred by the said sections, or either of them, on any other bodies or persons, but all such powers, rights, authorities, and privileges shall remain as valid and effectual as if this Act had not been passed; and all the rights, powers, and authorities given and granted to or conferred by the said sections, or either of them, on any bodies or persons with respect to the construction by them of any such drains, railways, or waggon roads, or the erection of any such bridge or bridges as they are authorised to make or erect under the provisions of section 99 of the recited Act of the 34th year of the reign of His Majesty King George the Third, may from time to time and at all times hereafter be exercised and enjoyed by them respectively, notwithstanding that no such application or request in writing as is provided for by the said 99th section of the said recited Act of George the Third shall have been given by them respectively to the Canal Company or to the Company, and no refusal made by the Canal Company or the Company to construct any such drains, railways, or waggon roads, or to erect any such bridges.

38. The Company may from time to time enter into and carry into effect agreements with the Duke of Beaufort, his heirs and assigns, with reference to the purchase by or lease to the Company of the Trewyddfa Canal, and all the rights, property, estate, and interest, powers, and privileges of the said Duke therein or in respect thereof, including the power of levying tolls and rates thereon.

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Authorising agreements with Duke of Beaufort for purchase, &c. of Trewyddfa Canal.

In the event of any such agreement being come to, the Company may during the continuance thereof, upon the execution of a conveyance or a lease, as the case may be, in which the consideration shall be truly set forth, and which conveyance or lease shall be duly stamped, and during the time, term, or period mentioned in such conveyance or lease, have, hold, use, exercise, and enjoy all the estate, interest, rights, powers, and privileges of the said Duke of, in, or incident to the Trewyddfa Canal, including the demanding and receiving of tolls, rates, and charges; and the Company may undertake by any such agreement and during the continuance thereof as aforesaid, and during the time, term, or period mentioned in such conveyance or lease, to indemnify the Duke and his officers and servants from and against all liabilities and obligations of the said Duke in reference to the maintenance of the Trewyddfa Canal and supply of water and otherwise incidental thereto, and all claims and demands in respect to the matters aforesaid under or by virtue of any contracts, leases, licenses, or otherwise howsoever.

39. The Company may from time to time apply to all or any of the purposes of this Act any moneys from time to time raised by them and which are not by any of the Acts relating to the Company made applicable to any special purpose, or which being so made applicable are not required for the special purpose.

Company may apply corporate funds.

40. The Company shall not, out of any money by any Act authorised to be raised by calls, debenture stock, or borrowing, pay interest or dividend to any holder of stock on the amount of the payments made by him under this Act in respect of that stock: Provided always, that this Act shall not prevent the Company from paying to any holder of stock such interest on money advanced by him beyond the amount of the payments actually made, as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not to be paid on calls paid up.

41. The Company shall not, out of any money by any Act relating to the Company authorised to be raised, pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an

Deposits for future Bills not to be paid out of capital.

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A.D. 1872. Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general railway Acts.

42. Nothing herein contained shall be deemed or construed to exempt the railways from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Costs of Act.

43. 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.

The SCHEDULE referred to in the foregoing Act.

| Goods. | Under 5 miles, per ton per mile. | 5 miles and upwards, per ton per mile. |
|-------------------------|--|--|
| Arsenic - - - - - | <i>d.</i> 2½ | <i>d.</i> 2 |
| Ashes - - - - - | 1½ | 1½ |
| Argent ore - - - - - | 2½ | 2 |
| Black plate - - - - - | 2 | 1½ |
| Burnt ore - - - - - | 2 | 1½ |
| Boxes - - - - - | 2½ | 2 |
| Boards - - - - - | 2½ | 2 |
| Black Jack - - - - - | 2 | 1½ |
| Bar iron - - - - - | 2 | 1½ |
| Blend ore - - - - - | 2 | 1½ |
| Boiler plates - - - - - | 2 | 1½ |
| Bricks - - - - - | 1½ | 1 |
| Barley - - - - - | 2½ | 2 |
| Cinders - - - - - | 1½ | 1½ |
| Copper - - - - - | 2½ | 2 |
| Copper ore - - - - - | 2 | 1½ |
| Copperas - - - - - | 2 | 1½ |
| Calamine ore - - - - - | 2 | 1½ |

| Goods. | Under 5 miles, per ton per mile. | 5 miles and upwards, per ton per mile. |
|---|--|--|
| | <i>d.</i> | <i>d.</i> |
| Cordwood (under 16 tons) - - - - - | $2\frac{1}{2}$ | 2 |
| Cordwood (16 tons and upwards) - - - - - | $1\frac{1}{2}$ | 1 |
| Chemicals - - - - - | $2\frac{1}{2}$ | 2 |
| Cement - - - - - | $2\frac{1}{2}$ | 2 |
| Charcoal - - - - - | 2 | $1\frac{1}{2}$ |
| Coke - - - - - | $1\frac{1}{2}$ | $1\frac{1}{2}$ |
| Chalk - - - - - | 2 | $1\frac{1}{2}$ |
| Coal - - - - - | $1\frac{1}{2}$ | 1 |
| Culm - - - - - | $1\frac{1}{2}$ | 1 |
| Clay - - - - - | $1\frac{1}{2}$ | 1 |
| Calcined iron ore - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Castings - - - - - | 2 | $1\frac{1}{2}$ |
| Copper slags - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Drain pipes - - - - - | $2\frac{1}{2}$ | 2 |
| Ditto under 4 miles, <i>3d.</i> per ton per mile. | — | — |
| Earthenware - - - - - | $2\frac{1}{2}$ | 2 |
| Ditto under 4 miles, <i>3d.</i> per ton per mile. | — | — |
| Goods - - - - - | $2\frac{1}{2}$ | 2 |
| Gravel - - - - - | $2\frac{1}{2}$ | 2 |
| Hay - - - - - | $2\frac{1}{2}$ | 2 |
| Iron - - - - - | 2 | $1\frac{1}{2}$ |
| Iron ore - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Ironstone - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Iron castings - - - - - | 2 | $1\frac{1}{2}$ |
| Iron slag - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Iron refuse - - - - - | $1\frac{1}{4}$ | $0\frac{3}{4}$ |
| Lead - - - - - | $2\frac{1}{2}$ | 2 |
| Lime - - - - - | 1 | 1 |
| Limestones - - - - - | 1 | 1 |
| Lime salt - - - - - | 2 | $1\frac{1}{2}$ |
| Loam - - - - - | $1\frac{1}{2}$ | 1 |
| Metal - - - - - | 2 | $1\frac{1}{2}$ |
| Manure - - - - - | 1 | 1 |
| Mundic - - - - - | 2 | $1\frac{1}{2}$ |
| Mine - - - - - | $1\frac{1}{2}$ | 1 |
| Nickel - - - - - | $2\frac{1}{2}$ | 2 |
| Nails - - - - - | $2\frac{1}{2}$ | 2 |
| Nickel ore - - - - - | 2 | $1\frac{1}{2}$ |
| Old iron - - - - - | 2 | $1\frac{1}{2}$ |
| Potsherds - - - - - | 2 | $1\frac{1}{2}$ |
| Pig iron - - - - - | $1\frac{1}{2}$ | 1 |
| Pitwood - - - - - | $1\frac{1}{2}$ | 1 |
| Palm oil - - - - - | $2\frac{1}{2}$ | 2 |

[Ch. clii.] *Great Western Railway (Swansea [35 & 36 VICT.] Canal) Act, 1872.*

A.D. 1872.

| Goods. | Under 5 miles, per ton per mile. | 5 miles and upwards, per ton per mile. |
|---|--|--|
| | <i>d.</i> | <i>d.</i> |
| Rottenstone - - - - - | 2 | 1½ |
| Refuse ore - - - - - | 1¼ | 0¾ |
| Regulus - - - - - | 2½ | 2 |
| Silver ore - - - - - | 2½ | 2 |
| Spelter - - - - - | 2½ | 2 |
| Spelter ore - - - - - | 2 | 1½ |
| Sulphur - - - - - | 2 | 1½ |
| Straw - - - - - | 2½ | 2. |
| Stones - - - - - | 1½ | 1. |
| Slates - - - - - | 1½ | 1 |
| Sand - - - - - | 1½ | 1 |
| Scrap iron - - - - - | 2 | 1½ |
| Soot - - - - - | 2½ | 2 |
| Salt - - - - - | 2½ | 2 |
| Tar - - - - - | 2½ | 2 |
| Tiles - - - - - | 1½ | 1 |
| Tin 9¼ miles and upwards, 1½ <i>d.</i> per ton per mile. | — | — |
| Do. 4 miles to 9 miles inclusive, 2 <i>d.</i> per ton per mile. | — | — |
| Do. under 4 miles, 3 <i>d.</i> per ton per mile. | — | — |
| Tin dross - - - - - | 2 | 1½ |
| Timber - - - - - | 1½ | 1 |
| Vitriol - - - - - | 2½ | 2 |
| Waste vitriol - - - - - | 1½ | 1 |

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