



CHAPTER ccxlii.

An Act to make provision for the protection of the Crumlin Viaduct on the Great Western Railway and for other purposes. A.D. 1902.
[8th August 1902.]

WHEREAS the Newport Abergavenny and Hereford (Taff Vale Extension) Railway of the Great Western Railway Company (in this Act called "the Company") where it crosses over the Company's Monmouthshire (Western Valleys) Railway and over the River Ebbw is constructed on a viaduct known as the Crumlin Viaduct and in this Act referred to as "the Viaduct":

And whereas it is expedient in order to secure the Viaduct against injury by the working of mines or minerals under or in the neighbourhood thereof that the Company should be empowered to purchase such mines and minerals as provided by this Act and to apply their funds for that purpose:

And whereas plans showing the lands in and under which the Company are by this Act authorised to acquire such mines and minerals and also a book of reference containing the names of the owners or reputed owners of such mines and minerals and of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of Monmouth and are hereinafter respectively referred to as the deposited plans and book of reference:

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 King'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:—

A.D. 1902.

Short title.

1. This Act may be cited for all purposes as the Great Western Railway (Crumlin Viaduct) Act 1902.

Incorporation of Lands Clauses Acts.

2. The Lands Clauses Acts (except the provisions thereof with respect to the sale of superfluous lands and except where expressly varied by this Act) are incorporated with and form part of this Act.

Interpretation.

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

Power to acquire mines and minerals.

4. Subject to the provisions of this Act and notwithstanding anything contained in the Acts relating to the Newport Abergavenny and Hereford (Taff Vale Extension) Railway or in the provisions of the Railways Clauses Consolidation Act 1845 incorporated with those Acts or any of them the Company may purchase and hold and the owners of and other persons interested therein shall according to their estate and interest sell and grant to the Company all or any of the mines of coal ironstone slate and other minerals under the lands herein-after described delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

Certain lands in the parish of Llanhilleth in the urban district of Abertillery in the county of Monmouth being lands upon which the viaduct is constructed and within eight chains of any part thereof :

Provided always that nothing in this Act shall authorise or empower the Company to purchase or acquire otherwise than by agreement any estate or interest comprised in and granted by an indenture of lease of the 5th day of August 1893 and made between Rosa Julianna Harriet Nurse and Angelina Symons of the one part and Evan Lewis of the other part in the lands and premises thereby demised or any part or parts thereof or in any renewals of such lease granted in pursuance of the covenant to renew therein contained.

Application of Lands Clauses Acts to purchase of mines &c.

5. The consideration to be paid by the Company for the purchase under this Act of any such mines or minerals or of any right or interest therein shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement as if such mines and minerals were lands within the meaning of the

said Acts and those Acts shall (subject to the provisions of this Act) extend and apply to the said mines and minerals and to the purchase and taking thereof by the Company accordingly Provided always that nothing in this Act contained shall be deemed to authorise or require the Company to purchase or take except by agreement any part of or any right or interest in the said lands other than the mines and minerals which lie under the same.

A.D. 1902.

6. The respective owners lessees and occupiers of any mines of coal ironstone slate or other minerals adjoining any mines or minerals which may be purchased by the Company under this Act may for the purpose of working their said mines or minerals cut and make airways headways gateways or water levels through the mines or minerals purchased by the Company of such number and dimensions and in such situations as failing agreement between the Company and any such owner lessee or occupier shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 for the settlement of disputes by arbitration.

Owners of mines may make airways &c.

7. And whereas the said mines and minerals now belong or are reputed to belong as to part thereof to the trustees under the will of the late Lady Augusta Llanover as to other part thereof to Angelina Symons Jelinger Edward Symons and Edward Warwick Jelinger Symons and as to the remainder thereof to John Capel Hanbury (all of whom and their successors in title and their lessees are in this section included in the expression "the owners") Therefore the following provisions shall unless otherwise agreed have effect for the protection of the owners (that is to say):—

For protection of owners and lessees.

(1) The powers of the Company for the compulsory purchase of any mines and minerals in and under the lands of the owners shall cease after the expiration of one year from the passing of this Act:

(2) The owners shall be at liberty at any time hereafter on giving one month's notice to the Company to make two airways headways gateways or water levels in and through any workable seam of the mines and minerals which the Company are authorised to purchase under the powers of this Act but no such airway headway gateway or water level shall be of greater dimensions or section than thirteen feet wide and eight feet high nor shall the same be cut or made upon

A.D. 1902.

any part of the railway or works of the Company or so as to injure the same or to impede the traffic thereon. Such airways headways gateways or water levels may be carried through the mines and minerals purchased by the Company in such position as may be convenient for the working of the adjoining mines and minerals of the owners or the surrounding property worked therewith provided that the said airways headways gateways or water levels are driven according to the best and most approved mode of driving the same in practice in the district in which such mines and minerals are situate and best adapted for winning the mines and minerals of the owners and any other mines and minerals which are worked in connexion therewith. The owners shall be entitled to use such airways headways gateways or water levels at all times free of all payment to the Company whether under the name of wayleave or otherwise (other than the payment to the Company of the value of the mines and minerals obtained in making the said airways headways gateways or water levels) for all purposes including the conveyance through the same of coal water air steam pipes electric mains and all other matters means and appliances useful or convenient for the working of collieries and mines and irrespective of whether such matters means and appliances come from or are intended for the use of or are used for the mines and minerals in and under the lands of the owners or the mines and minerals outside and beyond the same :

The powers in this subsection contained shall be in addition to and not in substitution for the powers conferred on owners lessees or occupiers by the Railways Clauses Consolidation Act 1845 :

- (3) If at any time hereafter the owners shall desire for the convenient and economical working of the mines and minerals in and under the lands of the owners to sink a pit or pits in and through any mines and minerals purchased or authorised to be purchased by the Company under the powers of this Act the Company shall so far as is reasonably practicable permit the owners at their own expense but free of all payment to the Company (other than such a sum as shall in case of difference be settled by arbitration to be paid by the owners and each of them to the Company in reduction of the sum paid by the Company to the owners respectively having regard to the area of minerals belonging to such owners

respectively necessary for the support of the said pits) to sink such a pit or pits in such position and of such dimensions as may be agreed between the owners and the Company or as failing agreement may be determined by arbitration as herein-after provided and to erect all proper and convenient works and buildings and to use all proper and convenient pumping winding and other machinery for the working of the same :

- (4) If at any time hereafter it is expedient in the opinion of mineral engineers employed by the Company that the roof of the airways headways gateways or water levels which the owners are by this section authorised to make in and through the mines and minerals purchased by the Company should be arched over or otherwise strengthened the owners shall if so required by the Company execute such arching or strengthening works as the Company may think necessary at the cost and to the satisfaction of the Company :

Provided that the owners shall not be required to make such arching and strengthening works so as to decrease the dimensions of the airways headways gateways or water levels which they are under this section authorised to make And provided further that the Company shall compensate the owners for any injury caused to them by any interference with the working of their mines and minerals or any other mines or minerals worked in conjunction therewith due to the execution of any such works of arching over or strengthening :

- (5) Sections 83 84 and 85 of the Railways Clauses Consolidation Act 1845 shall apply to the lands of the owners and the mines under the same which the Company are by this Act authorised to purchase as though these sections had been in terms enacted in this section :
- (6) Any difference which may arise between the owners and the Company under this section shall be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845 for the settlement of disputes by arbitration :
- (7) If the owners fail to agree between themselves with reference to the exercise of the powers by this section conferred on them the said powers may be exercised solely by each of the owners their successors and lessees through their respective lands and the mines and minerals under the

A.D. 1902.

same and nothing in this section shall have effect to make any or either of the owners their successors or lessees liable for any action or default of any other or others of them.

Period for compulsory purchase.

8. The powers of the Company for the compulsory purchase of mines and minerals under this Act shall cease after the expiration of one year from the passing of this Act.

Power to Company to apply funds to purposes of Act.

9. The Company may apply to all or any of the purposes of this Act to which capital is properly applicable 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.

Provision as to general Railway Acts.

10. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 to be taken by the Company.

Costs of Act.

11. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.