



CHAPTER cix.

An Act to confer further powers upon the Rhondda and Swansea Bay Railway Company and for other purposes.

A.D. 1895.

[6th July 1895.]

WHEREAS by the Rhondda and Swansea Bay Railway Act 1882 the Rhondda and Swansea Bay Railway Company (in this Act called "the Company") were incorporated and were empowered to make the railways and other works therein described in the county of Glamorgan for the purpose of affording a means of railway communication between the Rhondda Valley and Swansea and other ports in Swansea Bay :

And whereas by various subsequent Acts the powers of the Company have been from time to time extended and further powers have been conferred upon them :

And whereas it is expedient that the Company be authorised to construct and complete the railways and works herein-after described and to exercise the other powers by this Act conferred upon them :

And whereas by the Rhondda and Swansea Bay Railway Act 1890 the period within which the Company were to complete the railways thereby authorised was limited to five years from the passing of that Act which received the Royal Assent on the fourth day of August one thousand eight hundred and ninety and by the Rhondda and Swansea Bay Railway Act 1891 the period within which the Company were to complete the works thereby authorised was limited to five years from the passing of that Act which received the Royal Assent on the twenty-eighth day of July one thousand eight hundred and ninety-one and it is expedient that the times so limited should be extended :

And whereas it is expedient that the Company and the company of proprietors of the Neath Canal Navigation should be empowered to enter into and carry into effect agreements as herein-after provided :

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And whereas it is expedient that the agreement between the Company and the Swansea Harbour Trustees which is set forth in the Second Schedule to this Act should be confirmed :

And whereas it is expedient that the Company be authorised to raise additional capital and borrow further money for the purposes of this Act and other the general purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the works authorised by this Act such plans showing also the lands which may be taken compulsorily under the powers of this Act and also books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Rhondda and Swansea Bay Railway Act 1895.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares additional

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capital and debenture stock) as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act, are incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. And for the purposes of this Act 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 simple contract debt and not a debt or demand created by statute.

Interpreta-
tion.

4. Subject to the provisions of this Act the Company may in the lines or situations and according to the levels respectively shown on the deposited plans and sections as altered by the amended plans and sections herein-after referred to—

Power to
make works.

(1.) Make and maintain the following railways and works:—

- (a) Railway (No. 1) 1 mile and 8·70 chains or thereabouts in length commencing by a junction with the railway of the Company at a point 18 chains or thereabouts eastward of the western end of the platform of the Dan-y-Graig Station of the Company and terminating by a junction with Railway No. 3 authorised by the Rhondda and Swansea Bay Railway Act 1893 at a point 5 chains or thereabouts north-westward of the south-easternmost end of the platforms of the Swansea Station of the Company;
- (b) Railway (No. 2) 2 furlongs and 3·70 chains or thereabouts in length commencing by a junction with the Railway No. 3 authorised by the Rhondda and Swansea Bay Railway Act 1892 (herein-after called "the Act of 1892") at or about its termination and terminating at or about the western end of the bridge carrying Bridge Street Neath over the Neath Canal;
- (c) A narrowing deepening and alteration of the Neath Canal in the borough and parish of Neath and of the waterway and banks thereof between the aforesaid bridge carrying Bridge Street Neath over the said canal and a point

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3 chains or thereabouts southward of the bridge known as Green Bridge :

And in connexion with such works the Company may remove and if removed shall reconstruct the Green Bridge and the approaches leading to such bridge. Provided always that in reconstructing or altering the Green Bridge the Company shall make such arrangements as the Great Western Railway Company shall reasonably approve for preventing any obstruction to the traffic passing or intending to pass to or from the stations of that company at Neath and the warehouses manufactories and other works and wharves lying between the canal and the River Neath :

(2.) Make and complete and maintain—

(d) A Junction Railway (No. 1) 9 chains or thereabouts in length commencing by a junction with the Railway No. 2 of the Company authorised by the Act of 1892 at a point 12 chains or thereabouts measured in a southerly direction along the course of the said authorised Railway No. 2 from the bridge carrying the South Wales Railway of the Great Western Railway Company over the said authorised Railway No. 2 and terminating by a junction with the up line of the said South Wales Railway at or about the bridge carrying the South Wales Mineral Railway over that railway :

(3.) Widen and complete and maintain—

(e) The Junction Railway (No. 2) 2 furlongs and 9·29 chains or thereabouts in length from the junction with the South Wales Railway of the Great Western Railway Company called the Neath Harbour Junction to a point on the Railway No. 2 authorised by the Act of 1892 in course of construction 6 chains or thereabouts eastward of the bridge carrying the said authorised railway over the Neath Canal and together with a junction with the said authorised railway :

(4.) Complete and maintain—

(f) The Junction Railway (No. 3) 2 furlongs and 6·5 chains or thereabouts in length from a point on the South Wales Mineral Railway 14 chains or thereabouts measured along that railway in a northerly direction from the bridge carrying that railway over the South Wales Railway of the Great Western Railway Company to the aforesaid Junction Railway No. 2 at or about the junction thereof with the said Railway No. 2 authorised by the Act of 1892.

5. The Company may from time to time make and maintain in connexion with the above-mentioned works or any of them all necessary and convenient bridges rails sidings junctions stations embankments fences towing-paths toll-houses dams sewers drains pipes feeders cuts lay-byes wharves quays and other machinery approaches roads buildings yards works and conveniences.

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 Power to make subsidiary works.

6. Notwithstanding anything shown on the deposited plans and sections the Railway No. 1 shall between its point of commencement as herein-before described and a point 18 chains or thereabouts westward of the Dan-y-Graig Junction signal cabin be constructed in accordance with the amended plans and sections signed in duplicate by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and deposited in the Office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and 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 the Company may in the construction thereof carry the same with a single line only while the said railway shall consist of a single line and afterwards with a double line only across and on the level of the road numbered on the deposited plans and on the said amended plans 16 in the parish of Swansea.

As to construction of Railway No. 1.

7. In constructing the narrowing deepening and alteration of the Neath Canal by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels thereof as shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards and notwithstanding anything in the Railways Clauses Consolidation Act 1845 the Company may in constructing the Railway No. 1 and the Railway No. 2 by this Act authorised or either of them deviate vertically from the levels thereof shown on the deposited sections as altered by the amended sections herein-before referred to in the case of Railway No. 1 to such extent as may be necessary or convenient for avoiding interference with accommodating or forming junctions with the railways and works of the Swansea Harbour Trustees and the Great Western Railway Company or either of them and in the case of Railway No. 2 to such extent as may be necessary or convenient for avoiding interference with or accommodating the

Limits of deviation.

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works of the company of proprietors of the Neath Canal or any works adjoining or connected with such canal :

Provided that the Company shall make full satisfaction to all parties interested for any damage sustained by them respectively by reason of any vertical deviation under the powers of this section to a greater extent than five feet above or below the level of the respective railway shown on such sections.

Power to
divert roads
as shown
on deposited
plans.

8. The Company may divert the public road numbered on the deposited plans 31 in the parish of Swansea in the manner shown upon the deposited plans and when and as soon as the new portion of such road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary thereby and when and so soon as the said portion of road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use the site thereof for the purposes of their undertaking.

Power to
take lands.

9. The Company may enter upon take hold and use for the purposes of the aforesaid railways and works and of any works connected therewith such of the lands delineated on the deposited plans or on the amended plans herein-before referred to and described in the deposited books of reference or the book of reference to the said amended plans as may be required for those purposes and in addition thereto may enter upon take hold and use for additional lines or any other of the purposes of their undertaking or connected therewith the lands and buildings shown on the deposited plans and described in the deposited books of reference in the parish of Margam in the county of Glamorgan adjoining and on the eastward side of the Cwmavon Railway of the Company or some of them or some part or parts thereof respectively. Provided always that the Company shall not without the consent in writing of the Great Western Railway Company enter upon take hold and use for the purposes of Railway No. 1 by this Act authorised any lands of or belonging to the Great Western Railway Company included within the limits of deviation of Railway No. 1 other than the lands delineated on the plan signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and thereon coloured pink and which plan has been deposited in the Parliament Office of the House of Lords.

10. The following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Swansea (in this section called "the corporation") shall unless otherwise agreed in writing apply and have effect:—

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For the protection of the Swansea Corporation.

(1) Whenever in the construction of the works by this Act authorised it may be necessary to intercept or interfere with any sewer or drain of the corporation the Company shall before intercepting or interfering with such sewer or drain construct according to a plan section and specification to be previously reasonably approved of in writing by the corporation another sewer or drain in lieu of and of equal capacity with the portion of the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with such sewer or drain so intercepted or interfered with and in such manner as shall be reasonably approved of by the corporation:

(2) If the existing sewer or drain or any part of such substituted sewer or drain shall be retained or constructed in lands or works of the Company to be acquired or constructed under the powers of this Act the corporation shall be entitled without payment to an easement or right to maintain and repair the existing or substituted sewer or drain and the corporation shall have access to such existing or substituted sewer or drain at all reasonable times for those purposes and also for the purpose of examining the state and condition of such sewer or drain but so as not to delay hinder or interfere with the traffic or business of the Company or to involve the Company in any expense:

(3) Any difference which may arise between the corporation and the Company as to the reasonableness of any withholdal of approval or other requirement of the corporation or otherwise under the provisions of this section shall be determined by an engineer to be agreed upon or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers whose decision shall be final and the costs of the reference to such engineer shall be in his discretion.

11. For the protection of the Neath Harbour Commissioners (herein-after called "the commissioners") the following provisions shall unless otherwise agreed between the Company and the commissioners have effect:—

For the protection of Neath Harbour Commissioners.

(1) Except as in this section provided nothing in this Act contained shall affect alter or vary the terms provisions and conditions of the agreement entered into between Gwyn Lewis

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on behalf of the commissioners and Henry Stephen Ludlow on behalf of the Company dated the 29th day of May 1893 or any other agreement which may have been entered into between the Company and the commissioners in extension thereof either as regards the mode or time of construction and completion the user or maintenance of the railway and works therein referred to or as regards the lands the subject of that agreement or as regards any other matter or thing comprised in the said agreement and all such terms provisions and conditions shall continue and be binding upon the Company and have effect as fully as if this Act had not been passed nor shall this Act confer upon the Company any rights powers or privileges against the commissioners which shall be inconsistent with the terms of the said agreement :

- (2) The terms provisions and conditions of the said agreement applicable to the existing junctions with the Great Western Railway and the South Wales Mineral Railway referred to in that agreement and to the existing railways leading to the same from the Railway No. 2 authorised by the Rhondda and Swansea Bay Railway Act 1892 as to the mode and time of construction and completion and the user and maintenance thereof and as to the traffic arrangements and otherwise thereon as in the said agreement mentioned shall *mutatis mutandis* apply equally to the Junction Railways Nos. 2 and 3 by this Act authorised if and when constructed as if such junction railways were the said existing railways and junctions with the Great Western Railway and the South Wales Mineral Railway and were specifically described as such in the said agreement And the Company shall not during construction of the said Junction Railways Nos. 2 and 3 interfere with the traffic on the aforesaid existing junctions and railways.

For the protection of the Swansea Gaslight Company.

12. In the construction of the Railway No. 1 by this Act authorised the Company shall observe and conform to the following provisions for the protection of the Swansea Gas Light Company (herein-after referred to as "the gas company") namely :—

- (1) All works matters or things which under the provisions of the Railways Clauses Consolidation Act 1845 and this Act the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the gas company shall be done and executed by and at the cost of the Company but to the reasonable satisfaction and under the direction of and in such manner as shall be reasonably required by the engineer for the time being of the gas company and

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such works matters or other things shall not be commenced until after fourteen days previous notice thereof in writing shall have been given to the gas company. Provided that if the gas company shall elect themselves to execute such works matters and things and of such their election shall two days previously to the expiration of the said period of fourteen days give notice in writing under their common seal to the Company at the head office of the Company in Swansea the gas company may themselves execute such works matters and things under the supervision and to the satisfaction of the Company's engineer and shall forthwith proceed with and complete the same with all due dispatch so as not to hinder or delay the construction of the railway and the reasonable expense of and incident to the execution of the same shall be repaid by the Company to the gas company on demand and such expense may be recovered from the Company in any court of competent jurisdiction :

- (2) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned to or sustained by the gas company by reason of any act or omission of the Company or of any of their contractors agents workmen or servants the Company shall pay to the gas company all costs incurred by them in making good such interruption and in addition shall pay to the gas company the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction :
- (3) The Company shall be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company or to any of their mains pipes syphons apparatus property works and conveniences by reason of the failure of any of the intended works other than those ordered or directed by the engineer of the gas company or constructed by them or of any omission of the Company or of any of their contractors agents workmen or servants and the Company will effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of such failure or of any such act or omission :
- (4) Any difference arising between the Company and the gas company respecting any of the matters referred to in this enactment shall be settled at the request of either party by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers and the costs of such reference shall be in his discretion.

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Restrictions
on displacing
persons of
labouring
class.

13.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act were or have been since that day or shall after the passing of this Act and prior to such purchase or acquisition have been occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom : A.D. 1895.

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section, and of sections 155 and 156 of the same Act shall not apply to buildings belonging to

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A.D. 1895. any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

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14. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

15. The quantity of land to be taken by the Company in connexion with the works by this Act authorised for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Lands for extraordinary purposes.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

17. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property

Owners may be required to sell parts only of certain lands and buildings.

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any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of such tribunal any such portion or portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portion or portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

Period for
completion
of works.

18. If the railways by this Act authorised are not completed within five years from the passing of this Act 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 except as to so much thereof as is then completed.

Penalty
imposed
unless the
railways and
works are
opened
within the
time
limited.

19. If the Company fail within the period limited by this Act to complete the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened as regards the Junction Railway No. 3 for goods traffic and as regards the other railways by this Act authorised for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the respective railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of

the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and 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 that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after 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 such line by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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20. 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act in connexion with the said respective railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Application
of penalty.

21. For the purposes of tolls rates charges and duties and for all other purposes whatsoever the railways by this Act authorised to be constructed and completed or the construction of which is by this Act confirmed shall be deemed to be part of the railway undertaking of the Company.

Tolls on
railways.

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Substitutions
of new
junction
railways
for those
authorised
by the Act
of 1892.

22. The Junction Railway No. 1 and the Junction Railway No. 2 by this Act authorised shall be constructed and completed by the Company in lieu of and in substitution for the Junction Railways Nos. 1A and 2A authorised by the Act of 1892 and the provisions of section 17 of the Act of 1892 shall be read and have effect as if the said Junction Railway No. 1 and the Junction Railway No. 2 by this Act authorised had been mentioned therein instead of the Junction Railways Nos. 1A and 2A therein referred to and as if the period of four years from the passing of the Act of 1892 had been named therein instead of the period of three years as therein mentioned and the Company may and shall abandon the construction of the said Railways Nos. 1A and 2A authorised by the said Act of 1892.

Compensa-
tion for
damage to
land by entry
&c. for pur-
poses of
railways
abandoned.

23. The abandonment by the Company under the authority of this Act of the said railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1892.

Compensa-
tion for non-
completion
of contracts
in respect of
railways
abandoned.

24. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railways by this Act authorised to be abandoned or either of them the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extension of
time for

25. The period limited by the Rhondda and Swansea Bay Railway Act 1890 for the completion of the Railway No. 3 the

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Act, 1895.

Railway No. 4 and the Railway No. 5 by that Act authorised is hereby extended for the period of three years from the fourth day of August 1895 and if the said railways be not completed within such extended period then on the expiration of such period the powers granted by the said Act of 1890 as amended by this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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 —
 completion of works authorised by Act of 1890.

26. The period limited by the Rhondda and Swansea Bay Railway Act 1891 for the completion of the alterations of the railways by that Act authorised is hereby extended for the period of three years from the twenty-eighth day of July 1896 and if the said alterations of railways be not completed within such extended period then on the expiration of such period the powers granted by the said Act of 1891 as amended by this Act for completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for completion of works authorised by Act of 1891.

27. The construction of the Railway No. 2 authorised by the Act of 1892 between Melinchrythan Wharf and the bridge over the Neath Canal known as the "Green Bridge" as the same has been actually constructed and is shown upon the deposited plans and sections and the sale by the company of proprietors of the Neath Canal Navigation to and the purchase by the Company of the lands required for the purposes thereof is hereby confirmed and the Company may maintain and use the said railway and lands accordingly.

Confirmation of works authorised by Act of 1892.

28. The Company on the one hand and the company of proprietors of the Neath Canal Navigation on the other hand may from time to time enter into and carry into effect agreements with respect to the construction of the Railway No. 2 and the alteration of the Neath Canal authorised by this Act and the purchase by or transfer to the Company of any lands or property required for the purposes thereof and in the event of any such agreement being entered into for the purchase by or transfer to the Company of any such lands or property it shall be lawful for the said company of proprietors of the Neath Canal to sell and for the Company to purchase the same in accordance with the terms of such agreement.

Agreements with Neath Canal Company.

29. The agreement dated the first day of June one thousand eight hundred and ninety-five between the Company of the one part and the Swansea Harbour Trustees of the other part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto and their respective successors and assigns

Confirming agreement between Company and Swansea Harbour Trustees.

[Ch. cix.] *Rhondda and Swansea Bay Railway* [58 & 59 Vict.]
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and the said trustees to the extent of their estate and interest may grant and the Company may accept the lease mentioned in the said agreement upon the terms and conditions therein stated.

Power to
apply funds.

30. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised by any previous Act to raise by shares or stock debenture stock or borrowing and which are not by that Act made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to
raise
additional
capital.

31. The Company (in addition to any capital which they are by any other Act authorised to raise) may from time to time for the purposes of this Act and other the general purposes of the Company (being in any case purposes to which capital is properly applicable) raise by the creation and issue of new ordinary or new preference shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding thirty-six thousand pounds. Provided that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Shares not
to be issued
until one
fifth paid.

32. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share or stock vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share or the whole of such stock shall be paid in respect thereof.

Except as
otherwise
provided
new shares
or stock to
be subject to
the same
incidents as
other shares
or stock.

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

Dividends on
new shares
or stock.

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

A.D. 1895.

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

Restriction
as to votes
in respect of
preferential
shares or
stock.

Power to
borrow.

36. The Company may in respect of the additional capital of thirty-six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twelve thousand pounds but no part of such sum of twelve thousand pounds shall be borrowed until shares for so much of such additional capital as is to be raised by means of shares are issued and accepted and one half thereof 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 shares for so much of such additional capital as is to be raised by means of shares have been issued and accepted and that one half thereof has been paid up and that no less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or 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.

37. The provisions of the Rhondda and Swansea Bay Railway Act 1893 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Repealing
provisions
as to
appoint-
ment of a
receiver.

38. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver 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 ten thousand pounds.

For appoint-
ment of a
receiver.

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Debenture
stock.

39. The Company may create and issue debenture stock subject to the provisions of section 22 of the Rhondda and Swansea Bay Railway Act 1882 and section 43 of the Act of 1892.

Application
of money.

40. All moneys by this Act authorised to be raised by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Interest not
to be paid
on calls paid
up.

41. No interest or dividend shall be paid out of any money by this Act authorised to be raised to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

42. The Company shall not out of any money by this Act 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 Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision
as to general
Railway
Acts.

43. Nothing in this Act contained shall exempt the Company or 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 now authorised to be taken by the Company.

Costs of Act.

44. 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 SCHEDULES referred to in the foregoing Act. A.D. 1895.

THE FIRST SCHEDULE.

Describing Lands Houses Buildings or Manufactories of which portions only
 may be acquired by the Company.

Work &c.	Parish.	Nos. on Deposited Plans.
Railway (No. 1) - -	Swansea - -	25 26 27 28 29 30 33 34 35 38 39 40 43 45 46 49 49A and 49B.
Railway (No. 2) - -	Neath - -	2 3 36 37 56 88 106 107 108 111 112 113 123 and 126.
Junction Railways (Nos. 2 and 3).	Briton Ferry -	10 and 10A.
Additional lands - -	Margam - -	1 2 3 and 4.

THE SECOND SCHEDULE.

AN AGREEMENT made this first day of June one thousand eight hundred and ninety-five between the Rhondda and Swansea Bay Railway Company herein-after called "the Company" of the one part and the Swansea Harbour Trustees herein-after called "the Trustees" of the other part.

WHEREAS the Company are promoting a Bill in Parliament the short title of which is "An Act to confer further powers upon the Rhondda and Swansea Bay Railway Company and for other purposes":

And whereas the trustees have deposited a petition against the said Bill:

And whereas it has been agreed between the Company and the trustees as follows (that is to say):—

A. The trustees shall withdraw the said petition deposited by them and facilitate the Company so far as they reasonably can in obtaining power to construct a railway crossing the piece of land numbered 14 the public road numbered 16 and the piece of land numbered 17 respectively on the plan numbered 1 signed by Sydney William Yockney the engineer of the

A.D. 1895.

Company and Augustus Oswald Schenk the engineer of the trustees and hereunto annexed and passing under the trustees lines from the said piece of land numbered 17 to the land numbered 22 on the said plan numbered 1 and which railway is herein-after referred to as "the railway."

B. If the Company fail to obtain power in the present session to make the railway they shall in the next session apply to Parliament and use their best endeavours to obtain an Act for such purpose.

C. If the Company obtain power in the present or next session to make the railway then the following agreement between the trustees and the Company shall come into operation namely:—

(1) The trustees for the purposes of the railway and sidings stations yards roads approaches works and conveniences connected therewith to lease to the Company in perpetuity the lands coloured brown on the said plan numbered 1 and to grant to the Company in perpetuity an easement over the said pieces of land numbered 14 and 17 and under the trustees lines between the said pieces of land numbered 17 and 22 respectively the said lands over which the said easement is to be granted being coloured yellow on the said plan numbered 1:

(2) The Company to pay for the said lands coloured brown on the said plan numbered 1 a rent of seven hundred and fifty pounds per annum for the first five years and thereafter a rent of one thousand pounds per annum and for the said easement a nominal rent of one shilling per annum the said rents respectively to be payable quarterly:

(3) The Company to make the railway and open it for passenger traffic within two and a half years after obtaining an Act therefor and when the railway is completed and opened for passenger traffic the Company to discontinue using the trustees main lines for passenger traffic under the agreement between the trustees and the Company dated the eighth August one thousand eight hundred and ninety-four:

(4) The Company to acquire a right of access to their station near the New Cut Swansea through the railway arch numbered 49A on the said plan numbered 1 and then to give up the access to the said station and land adjoining over the land coloured pink and red on a plan to the said agreement dated the eighth August one thousand eight hundred and ninety-four and the access now used by the Company adjoining the trustees low level railway:

(5) The Company to restore so far as the trustees require them so to do the trustees main lines and sidings recently altered by the Company The Company to be at liberty to remove their signal boxes signalling and locking gear:

(6) The trustees to consent to the alteration at the Company's expense of the yellow sidings and the siding coloured green as shown upon the plan numbered 2 signed by the said Sydney William Yockney and Augustus Oswald Schenk and hereunto annexed:

(7) Proper retaining walls and works where necessary for the protection of the trustees lines sidings land and property to be built and done by the Company at the Company's expense to the approval of the trustees engineer:

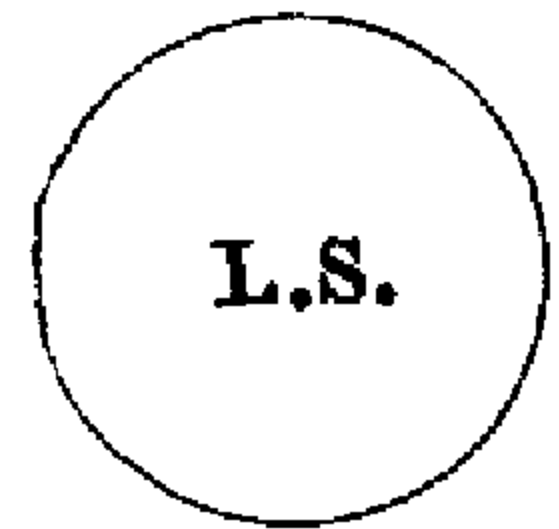
A.D. 1895.

- (8) No land of the trustees or easements or rights over the same to be taken or acquired by the Company under the Act authorising the railway except the lands and easements mentioned in the clause hereof numbered 1 :
- (9) When making the bridge for the purpose of passing the railway under the trustees lines between the lands numbered 17 and 22 on the said plan numbered 1 the Company at the Company's expense to make the abutments on the northern side sufficiently long for the trustees to lay girders thereon for two additional single lines of railway :
- (10) Nothing herein contained shall be construed to prevent the trustees making bridges or other works on the said land coloured yellow to carry lines or works over the railway but not so as to interfere with the railway :
- (11) The Company to give up the right of construction of railway numbered 3 described in and power for which was acquired under the Rhondda and Swansea Bay Railway Act 1893 :
- (12) The Company not to make or to sanction the making by any company or person working or using the railways of the Company by agreement any junction with any or either of the lines of the trustees situate northward and westward of the Company's said station at the New Cut Swansea except with the previous consent under seal of the trustees :
- (13) The said agreement of the eighth August one thousand eight hundred and ninety-four and the lease dated the sixteenth August one thousand eight hundred and ninety-four from the trustees to the Company of part of the said land coloured brown on the said plan numbered 1 and the payments thereunder respectively and the terms conditions powers and provisions thereof respectively to remain in force until the user of the trustees main lines for passenger traffic is discontinued under or by virtue of the clause hereof numbered 3 and then to cease but without prejudice to any claim by either party against the other for or in respect of any antecedent breach and the said payments to be apportioned if necessary :
- (14) The rents payable under the clause of this agreement numbered 2 to commence respectively when the user of the trustees main lines is discontinued as mentioned in the last preceding clause :
- (15) The Company to properly fence and keep fenced where practicable the southern side of the lands coloured brown on the said plan numbered 1 and the railway on the land numbered 14 and 17 :
- (16) The Company if and when they interfere with the same to make good so much of the house numbered 36 on the plan as does not stand on the land coloured brown and to make on the trustees land additions to the said house so as to give the same amount of accommodation as it at present affords.
- D. If the Company fail in the present or next session to obtain an Act to construct the railway this agreement shall thereupon cease and determine.

[Ch. cix.] *Rhondda and Swansea Bay Railway* [58 & 59 Vict.]
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A.D. 1895. In witness whereof the Company and the trustees have caused their common
seals to be hereunto affixed the day and year first above written.

The common seal of the Rhondda and Swansea Bay
Railway Company was hereunto affixed by order
of the directors in the presence of

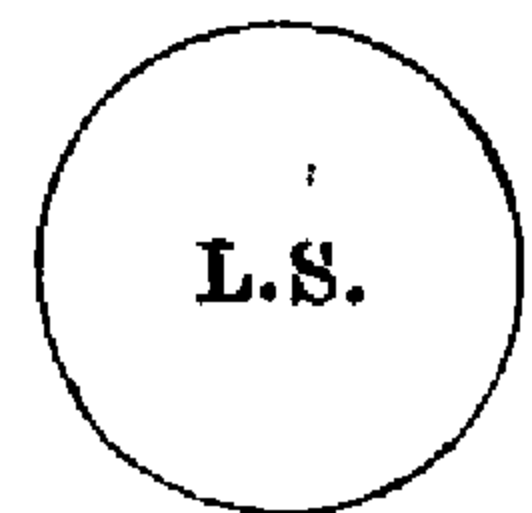


(Signature)

H. S. LUDLOW

Secretary.

The common seal of the Swansea Harbour Trustees
was hereunto affixed in the presence of



TALFOURD STRICK

Clerk to the Trustees.

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

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