



CHAPTER xlix.

An Act for conferring further powers on the Vale of Glamorgan Railway Company for the construction of works the acquisition of lands the raising of money and otherwise in relation to their undertaking and for other purposes. A.D. 1895.
[20th June 1895.]

WHEREAS by the Vale of Glamorgan Railway Act 1889 (in this Act called "the Act of 1889") the Vale of Glamorgan Railway Company (in this Act called "the Company") were incorporated and were authorised to raise a capital of three hundred and sixty thousand pounds by shares and to borrow not exceeding one hundred and twenty thousand pounds on mortgage and to create and issue debenture stock and to make and maintain the railways therein described and distinguished as Railways Nos. 1 2 3 and 4 and the agreement as set forth in the Second Schedule to the Act for the working of the railways by the Barry Railway Company (in this Act called "the Barry Company") and for other purposes was confirmed and made binding upon the Barry Company and the Company respectively and the respective periods limited for the compulsory purchase of lands for the purposes of the Act and for the completion of the railways were three years and five years from the passing of the Act:

And whereas by the Vale of Glamorgan Railway Act 1892 (in this Act called "the Act of 1892") the powers conferred on the Company by the Act of 1889 for the compulsory purchase of lands for the purposes of that Act were extended and continued in force until but not after the expiration of two years from the twenty-sixth day of August one thousand eight hundred and ninety-two and the powers granted by the Act of 1889 for the construction of the railways thereby authorised were extended for two years from the twenty-sixth day of August one thousand eight hundred and ninety-four:

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And whereas the Company have proceeded to exercise the powers of the Act of 1889 and have acquired or contracted for the greater portion of the lands required for the purposes thereof and are proceeding with the construction of the Railway No. 1 thereby authorised :

And whereas it is expedient that the Company be authorised to make and maintain the deviation or substituted railways in this Act described and to abandon the railways and portion of railway hereinafter mentioned authorised by the Act of 1889 which will be rendered unnecessary by the construction of the said deviation or substituted railways by this Act authorised :

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands for the purposes of the Act of 1889 in respect of the lands in that behalf in this Act specified be revived and that the Company be empowered to acquire for the purposes of their undertaking the additional lands in this Act described :

And whereas it is expedient that the Company be authorised to apply their funds to the purposes of this Act and to raise additional capital therefor and for the general purposes of their undertaking :

And whereas by the Barry Railway Act 1893 (section 52) the Barry Company on the one hand and the Company on the other hand were authorised from time to time on and subject to such terms and conditions as might be agreed between them to enter into and carry into effect agreements with respect to the apportionment between themselves of the gross receipts and revenues arising from the Vale of Glamorgan Railway and the modification of any existing agreement relating thereto so as to effect a security to the Company for interest dividend or annual or other payments in respect of the shares or stock or loans of the Company and in exercise of such power and authority the Barry Company and the Company have entered into an agreement in accordance with the provisions of the said section :

And whereas it is expedient that such other provisions be made as are in this Act contained :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and plans of the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands 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: A.D. 1895.

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:—

1. This Act may be cited as the Vale of Glamorgan Railway Act 1895. Short title.

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

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863:

The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely:—

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 nonpayment 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 general meetings of the Company and the exercise of the right of voting by the shareholders;

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:

Part I. (relating to the cancellation and surrender of shares)

Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated Interpretation.

A.D. 1895. herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the substituted railway" means the deviation or substituted railways by this Act authorised:

The expression "the authorised railway" means so much of the Railway No. 1 authorised by the Act of 1889 as is not by this Act abandoned:

The expressions "the railways" "the railway" "the Vale of Glamorgan Railway" and "the undertaking" mean respectively the authorised railway and the substituted railway and the undertaking of the Company:

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 for the purposes of this Act 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.

Power to
make sub-
stituted
railway.

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 deviation or substituted railways herein-after described with all proper stations sidings junctions roads approaches works and conveniences connected therewith or incidental thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for those purposes The deviation or substituted railways herein-before referred to and authorised by this Act are wholly situate in the county of Glamorgan and are--

Railway No. 1.—A railway 2 miles 7 furlongs and 4.25 chains or thereabouts in length commencing in the parish of Coity by a junction with Railway No. 1 of the Company authorised by the Act of 1889 in the enclosure numbered 63 in the said parish of Coity on the plans deposited for the purposes of that Act with the clerk of the peace for the county of Glamorgan and terminating in the said parish by a junction with the Llynvi and Ogmores section of the Great Western Railway at a point 40 yards or thereabouts measured along that railway in the direction of Bridgend from the mile post thereon denoting one mile from Bridgend:

Railway No. 2.—A railway 3 furlongs and 6 chains or thereabouts in length to be wholly situate in the hamlet of Coity Lower and parish of Coity commencing by a junction with

Railway No. 1 by this Act authorised at the point where that railway will cross the road leading from Bridgend to Cowbridge and called the Cowbridge Road and terminating by a junction with the Great Western Railway at a point 220 yards or thereabouts measured along that railway in a south-easterly direction from the southern end of the platform at the Bridgend Station on such railway.

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5. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect unless otherwise agreed between the Company and the Great Western Company (that is to say):—

For the protection of the Great Western Railway Company.

(1.) The Company shall not enter upon or interfere with the railways of the Great Western Company or any of the works of that company or execute any works whatever under or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings to approve the same until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade:

(2.) In constructing the Railways Nos. 1 and 2 by this Act authorised through or over the land or property of the Great Western Company the Company shall not deviate more than 50 yards from the centre line shown on the deposited plans where Railway No. 1 by this Act authorised crosses the railway of the Great Western Company without the previous consent in writing of that company under their common seal and the said Railway No. 1 where the same is intended to cross the railway of the Great Western Company shall be carried over that railway by means of a bridge of two spans of 36 feet each measured on the square and with a central support constructed of steel or iron and having a headway of not less than 14 feet 6 inches and such crossing of the said railway and

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works shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever and should it be necessary in constructing the said Railway No. 1 or Railway No. 2 or in consequence of the construction of either of them for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railways or some of them at or near to the said crossing the Company shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal or restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor:

(3.) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railways by this Act authorised over and adjacent to the railways of the Great Western Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways and works and the conduct of the traffic thereon during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise:

(4.) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their said railways or either of them or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission:

(5.) The Company shall at their sole expense at all times maintain the bridge and other works by which the said Railway No. 1 by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of

the principal engineer for the time being of the Great Western Company and if and whenever the Company fail so to do then after one month's notice in writing from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as shall be requisite in that behalf for ensuring such repair and the sum from time to time certified by the principal engineer of the Great Western Company to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with costs by the Great Western Company from the Company in any court of competent jurisdiction :

(6.) In constructing or maintaining the railways above described and by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the said railways or either of them of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railways of the Great Western Company or either of them so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds for every hour during which any such obstruction or interference shall continue to either of the said railways of the Great Western Company :

(7.) Except for the purpose of constructing Railway No. 1 over and for the junctions of Railways Nos. 1 and 2 with the railways of the Great Western Company and which junctions or the substituted junctions herein-after referred to are to be maintained and worked at the expense and risk of the Company the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently for the purposes of their works any of the lands of the Great Western Company or to alter vary or interfere with the railways of that Company or with any of the works thereof without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with

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respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossing and junctions the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment and the Great Western Company may at any time or times hereafter should it be necessary for them to do so and at their own expense alter or remove the junctions of Railways Nos. 1 and 2 respectively with their railways and substitute a new junction or junctions as the case may be therefor but so as such alteration or removal or substituted junction or junctions as the case may be shall not stop the traffic of the Railways Nos. 1 and 2 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or junctions or the substituted junction or junctions as the case may be or the signals works and conveniences connected therewith :

(8.) The Company shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement :

(9.) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers in London the costs of such arbitration to be in the discretion of such arbitrator.

Inclination
of road.

6. In altering for the purposes of this Act the road next hereinafter mentioned the Company may make the same of any inclination

not steeper than the inclination herein-after mentioned in connexion therewith (that is to say):— A.D. 1895.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
30	Coity	RAILWAY No. 1. Public	1 in 20

7. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):— Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
30	Coity	RAILWAY No. 1. Public	Feet 15	Feet 25
83	Coity	Public	15	25

8. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the substituted railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such houses or buildings shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):— Company empowered or may be required to underpin or otherwise strengthen houses near railway.

- (1.) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2.) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company:
- (3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing

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that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5.) The cost of the reference shall be in the discretion of the referee :

(6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act :

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(10.) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

9. The substituted railway and the works connected therewith executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the Vale of Glamorgan Railway and comprised in the undertaking of the Company.

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Substituted railway to form part of railways of the Company.

10. From and after the passing of this Act the maximum rates and charges which the Company shall be entitled to charge and make in respect of merchandise traffic including small parcels of a perishable nature conveyed by passenger trains on the railways of the Company shall be the maximum rates and charges applicable to the Barry Railway Company specified in the schedule to the Railway Rates and Charges No. 18 (Taff Vale Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 18 (Taff Vale Railway &c.) Order Confirmation Act 1892 And such rates and charges for merchandise traffic and for small parcels shall be in substitution for the rates and charges for similar traffic authorised to be taken by the Company under the Vale of Glamorgan Railway Act 1889.

Maximum rates for merchandise traffic &c.

11. For the purposes of section 38 (deposit money not to be repaid except so far as railway opened) of the Act of 1889 and section 6 (providing for release of deposit fund) of the Act of 1892 and subject to the provisions of this Act the substituted railway shall be deemed to form part of the railways authorised by the Act of 1889.

Applying section 38 of Act of 1889 and section 6 of Act of 1892 to substituted railway.

12. If the substituted railway is not completed within three 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 substituted railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

13. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for purposes connected with their undertaking all or any of the lands following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto (that is to say):—

Power to acquire lands for general purposes.

Lands situate at Rhoose in the parishes of Penmark and Porthkerry in the said county of Glamorgan adjoining and on the northern side of the railway of the Company now in course of construction lying between points 16 miles and 3 furlongs and 16 miles and 5 furlongs shown upon the plans deposited for

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the purposes of the Act of 1889 with the clerk of the peace for the county of Glamorgan and bounded on the north by the public road leading past Rhoose Farm from Font-y-Garry to Porthkerry and by the farmyard of the said farm.

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

14. 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 Company 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 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 any owner or other person shall fail to notify to the Company that he alleges that 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 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 to be determined by them Provided always that if in the opinion of the said tribunal any such portion or portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions 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 in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained. The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

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

Period for compulsory purchase of lands.

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 any persons 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 by agreement.

17. The powers conferred upon the Company by the Act of 1889 and extended by the Act of 1892 for the compulsory purchase of lands for the purposes of the Act of 1889 are by this Act and so far as relates to such of the lands delineated on the plans and described in the books of reference deposited for the purposes of the Act of 1889 as are specified in the Second Schedule to this Act revived and continued and may be exercised by the Company until but not after the expiration of two years from the passing of this Act.

Revival of powers for purchase of certain lands.

18.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by 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 after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition

Restrictions on displacing persons of labouring class.

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was originally authorised as the case may be were 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 respective 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. Provided that the Court may if it think fit reduce such penalty. A.D. 1895.

(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 subsection 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 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

A.D. 1895. 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 plans deposited with reference to this Act or to any former Act the powers of which are revived or extended by this Act 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.

Applying
section 54
of Act of
1889 to
substituted
railway.

19. Section 54 (Great Western Company to afford facilities or in default Company to have running powers over certain railways) of the Act of 1889 shall extend and apply to the substituted railway and to the Company and the Great Western Railway Company in relation thereto. And for the purposes of that section—

(a) The substituted railway shall be deemed to form part of the undertaking of the Company; and

(b) The substituted Railway No. 1 by this Act authorised shall be deemed to form part of Railway No. 1 authorised by the Act of 1889 and the junction of such substituted Railway No. 1 with the Llynvi and Ogmere section of the Great Western Railway shall be deemed to be the junction of Railway No. 1 authorised by the Act of 1889 with the said Llynvi and Ogmere section and the point of junction shall be deemed to be the commencement of Railway No. 1 authorised by the Act of 1889.

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20. The agreement as set forth in the Second Schedule to the Act of 1889 and section 57 of that Act confirming the agreement shall extend and apply to the substituted railway and for the purposes of that agreement and section the authorised railway and the substituted railway shall be deemed to be the Vale of Glamorgan Railway.

Applying agreement with Barry Company to substituted railway.

21. The Company shall abandon the construction of the following railways and portion of railway authorised by the Act of 1889 which will be rendered unnecessary by reason of the construction of the substituted railway (that is to say):—

Company to abandon portions of authorised lines.

(a) Railway No. 2 Railway No. 3 Railway No. 4; and

(b) Railway No. 1 from the commencement thereof to the point of junction therewith of the substituted Railway No. 1 by this Act authorised.

22. The abandonment by the Company under the authority of this Act of any portion of any railway or works 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 has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has 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 1889 or the Act of 1892.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

23. 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 any portions of the railways or works authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to

Compensation to be made in respect of portions of railways abandoned.

A.D. 1895. 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 the 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.

Power to use approach roads to Bridgend Station.

24. The Company and any company working or using the railways of the Company and their officers and servants and all passengers animals vehicles merchandise and other traffic passing to and from the railway of the Company may pass over and use the approach road or roads belonging or reputed to belong to the Great Western Railway Company leading from the public road to the Bridgend station of that company on such terms and conditions as may be agreed on between the Company and the Great Western Railway Company or as in default of agreement between them shall be settled by arbitration in accordance with the Railway Companies Arbitration Act 1859.

Company may apply their funds towards purposes of Act and may raise additional capital.

25. The Company may apply towards the construction of the railway and works by this Act authorised and other purposes of this Act any moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole forty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stock shall form part of the general capital of the Company.

Shares not to vest until one fifth part paid up.

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

Receipt in case of persons not sui juris.

27. If any money is payable under this Act to a holder of shares or stock being a minor idiot or lunatic the receipt of the guardian

or committee of his estate shall be a sufficient discharge to the Company. A.D. 1895.

28. The proprietors of any ordinary shares or stock to be issued under the authority of this Act shall subject to the provisions of this Act be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares or stock of the Company: As to votes of proprietors of new shares or stock.

Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new preference shares or stock.

29. The Company may in respect of the additional capital of forty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such 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 shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not 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 one half of so much of the said 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 and to the extent aforesaid paid up 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. Power to borrow.

30. Section 18 of the Act of 1889 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance Appointment of receiver.

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of any proceedings which may have been commenced prior to the passing of this Act under that section. The mortgagees of the undertaking 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 in the whole.

Debenture stock.

31. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 19 of the Act of 1889.

Former mortgages to have priority.

32. The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Application of moneys.

33. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act or for the general purposes of the Company being in all cases purposes to which capital is properly applicable and not otherwise.

Applying section 52 of Barry Railway Act 1893.

34. The provisions of section 52 (Agreements with Vale of Glamorgan Company) of the Barry Railway Act 1893 shall extend and apply to the Barry Company and the Company in relation to any share or loan capital of the Company raised under this Act and those companies may exercise the powers conferred by that section accordingly.

Power to pay interest out of capital during construction.

35. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any holder of shares or stock created under the provisions of this Act on the amount from time to time paid up on such shares or stock held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the substituted railway or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that

two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid have been actually issued and accepted and are held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(C) The aggregate amount to be so paid for interest shall not exceed four thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares in the capital authorised by this Act and in every certificate of shares :

(E) The half yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

(F) Notice of the effect of this section shall be endorsed on all certificates of shares and stock to which the section applies :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise 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.

36. 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.

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

37. Nothing in this Act contained shall exempt any Company mentioned in this Act or the railways of any such Company from the provisions of any general Act relating to railways or the better

Provision as to general Railway Acts.

[Ch. xlix.] *Vale of Glamorgan Railway Act, 1895.* [58 & 59 VICT.]

A.D. 1895. — 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 to be taken by the respective companies.

Costs of Act. **38.** All costs charges and expenses preliminary to and of and incident to the preparing applying 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.

LANDS and BUILDINGS of which portions only may be required.

No. of Railway.	Parish.	Nos. on deposited Plans.
1	Coity - -	20, 21, 42, 43, 96, 133.
2	Coity - -	194, 195, 196, 197, 198, 200, 201, 202, 216, 217, 218, 220, 221, 222, 225, 230.

THE SECOND SCHEDULE.

LANDS for the COMPULSORY PURCHASE of which powers are revived.

Parish in which the Lands are situate.	Numbers by which the Lands are distinguished on the Plans and in the Books of Reference deposited for the purposes of the Vale of Glamorgan Railway Act 1889.
St. Athan - -	13.
St. Brides Major - -	37.
Penmark - -	75, 77, 82, 84, 88, 89, 90, 91, 92, 93, 94, 95.
Porthkerry - -	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13.

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UNITED STATES DEPARTMENT OF JUSTICE

FOIA

Department of Justice

MEMORANDUM FOR THE RECORD

Subject: [Illegible]

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