



CHAPTER cxlv.

An Act to enable the Port Talbot Railway and Docks Company to construct new railways and works in the Ogmore Valleys in the county of Glamorgan to acquire the Morfa Railway and the Cefn and Pyle Railway and for other purposes. [20th July 1896.] A.D. 1896.

WHEREAS by the Port Talbot Railway and Docks Act 1894 (herein-after called "the Act of 1894") the Port Talbot Company were dissolved and re-incorporated under the name of the Port Talbot Railway and Docks Company (herein-after referred to as "the Company") for the purposes of improving the port and harbour of Port Talbot and the accesses thereto and also for the development of the traffic in connexion therewith to construct and maintain a new dock and certain railways and other works and for those purposes to raise six hundred thousand pounds by shares and one hundred and seventy-four thousand pounds by borrowing: 57 & 58 Vict.
c. cxli.

And whereas the Company have raised a large portion of their said share capital and are now proceeding with the construction of the said works:

And whereas it is expedient to authorise the Company to construct the further railways in this Act described:

And whereas it is expedient to authorise [the acquisition by the Company of certain private railway undertakings situate in the county of Glamorgan and known as the Morfa Railway and the Cefn and Pyle Railway:

And whereas the Company are possessed of lands within the limits of the said harbour of which some were vested in them by the Act of 1894 and others were acquired by them by agreement under the powers of that Act and it is expedient that the powers of the Company for the sale and lease of those lands be extended:

And whereas it is expedient that for the before-mentioned and for the general purposes of their undertaking the Company should be authorised to raise additional capital:

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896.

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands in or through which the same are intended to be made and 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 said lands have been deposited with the clerk of the peace for the county of Glamorgan and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

And whereas during the progress of the Bill for this Act by reason of an arrangement between the Company and the Great Western Railway Company it has been deemed expedient that in lieu of constructing the railways shown on the deposited plans by the consecutive numbers 3 to 11 the line and levels of Railway No. 2 should be altered so as to form a junction with the Porthcawl Branch of the Great Western Railway and plans and sections showing such alterations and also books of reference 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 under the powers of this Act for the purposes of such alterations, have been deposited with the clerk of the peace for the county of Glamorgan and are herein-after referred to as the altered plans sections and books of reference :

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 Port Talbot Railway and Docks (Ogmore Valleys Extension) Act 1896.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. relating to the construction of a railway of the Railways Clauses Act 1863 are except where the same are expressly varied by this Act incorporated with and form part of this Act.

Extending certain provisions of the Companies Clauses Consolidation Acts.

3. Subject to the provisions of this Act the 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;

A.D. 1896,

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 borrowed money into capital ;
The consolidation of 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 the cancellation and surrender of shares to additional capital and to debenture stock shall be applicable to the capital and moneys hereby authorised to be raised by shares or stock or mortgage or debenture stock and to the proprietors thereof.

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

Interpretation.

“The Act of 1894” means the Port Talbot Railway and Docks Act 1894 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 partly 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.

5. Subject to the provisions of this Act the Company may make and maintain wholly in the county of Glamorgan in the lines and according to the levels shown on the deposited and altered plans and sections the railways in this section described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited and altered plans and described in the deposited books of reference as may be required for those purposes :—

Power to make railways.

A Railway (No. 1) 5 miles 7 furlongs 3·2 chains in length commencing in the parish of Margam by a junction with Railway No. 1 authorised by the Act of 1894 at a point on that railway

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 Vict.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896.

about 483 yards south-west of the buildings known as Margam Copper Works and terminating in the parish of Pyle in the enclosure marked and numbered 52 on the Sheet No. XXXIII. 16 on the 25-inch Ordnance map of the parish of Pyle;

- A Railway (No. 2) 1 mile 5 furlongs 1·5 chains in length commencing in the parish of Pyle by a junction with Railway No. 1 at the termination thereof herein-before described and terminating in the parish of Tythegston by a junction with the Great Western Railway at a point on that railway about 66 yards measured in a south-westerly direction from the south-eastern corner of the buildings of the Cefn Colliery;
- A Railway (No. 12) 3 furlongs 2·8 chains in length wholly in the parish of Margam commencing by a junction with Railway No. 1 authorised by the Act of 1894 at a point 50 yards or thereabouts south-west of the Great Western Railway where the said Railway No. 1 authorised by the Act of 1894 crosses the said Great Western Railway and terminating by a junction with Railway No. 1 herein-before described at a point about 714 yards south-east from the commencement thereof.

For the protection of the Great Western Railway Company.

6. For the protection of the Great Western Railway Company (herein-after referred to as "the Great Western Company") the following provisions shall have effect (that is to say):—

- (1) The Company shall not enter upon or interfere with the railways of the Great Western Company or any of them or any of the lands or 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 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 of an engineer to be appointed by the Board of Trade:
- (2) In constructing Railway No. 1 by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate from the centre line shown on the deposited plans where Railway No. 1 crosses the railway of

the Great Western Company more than one chain on either side thereof 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 and works by means of a bridge of sufficient width to admit of two additional lines of rails being laid thereon by the Great Western Company if and when desired by them and having a headway of not less than fourteen feet three inches and such crossing of the said railway and works shall be effected in such a manner as not to injure the said railway and works of the Great Western Company in any way whatever and should it be necessary in constructing the said railway or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway 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 reasonable expense of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor:

A.D. 1896.

- (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 Great Western Company's railways of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their respective railways and works and the conduct of the traffic thereon with reference to and 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:
- (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 railways respectively or to any company or persons using the same 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 person 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

A.D. 1896.

- 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 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 engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice 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 land of the Company as their own lands all such works and things as shall be reasonably requisite in that behalf for ensuring such repair and 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 full costs by the Great Western Company from the Company in any court of competent jurisdiction :
- (6) In constructing the railways by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along any of the railways 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 or any of them of the Great Western Company so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall make good to the Great Western Company any loss they may sustain by reason of any such obstruction or interference :
- (7) Except for the purpose of the crossing of Railway No. 1 and for the junction of Railway No. 2 with the railway of the Great Western Company and which junction or the substituted junction herein-after referred to is 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 any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the Railway No. 1 by this Act authorised and the junction of Railway No. 2 with the railway of the Great Western Company

A.D. 1896.

without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under the hand of their secretary and with 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 or otherwise 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 at their own expense alter or remove the junction by this Act authorised with their railway and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the Railway No. 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 the substituted junction 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.

7. Game of all kinds and the exclusive right of sporting is hereby reserved to the owners of the Margam Estate for the time being

For the protection of sporting

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896. over the line cuttings and embankments adjoining that estate together with the right of ingress and egress at their own risk for that purpose for such owners and their friends and servants at such reasonable places and times as the Company may from time to time by licence in writing appoint with a view of giving such owners the most beneficial enjoyment of such reservation that is consistent with the safe and convenient working of the traffic of the railway.

rights on
Margam
Estate.

For the pro-
tection of
the Pyle
and Blaina
Works
Limited.

8. For the protection of the Pyle and Blaina Works Limited their successors and assigns (herein-after called "the Pyle Company") the following provisions shall have effect unless otherwise agreed (that is to say):—

- (1) Notwithstanding anything in this Act contained the Company shall not in any way interfere with or disturb the weighing machine of the Pyle Company numbered 27 on the deposited plans for the parish of Tythegston for Railway (No. 2) alteration of works nor shall the Company in any way interfere with or alter or disturb except with the previous consent in writing of the Pyle Company the sidings numbered 6 on the said plans but the Company shall make and at all times maintain at their own expense to the satisfaction of the Pyle Company all necessary junctions and works connected therewith between the said sidings and the railways by this Act authorised or any alteration thereof:
- (2) The Company shall not except by agreement take or acquire any more land where the railways by this Act authorised pass through the property of the Pyle Company than what is necessary for the purposes of laying two lines of rails thereon and for the said junctions with the said sidings numbered 6 on the said plans neither shall the Company interfere with any buildings sidings or works of the Pyle Company without their previous consent in writing:
- (3) The Company shall at all times give to the Pyle Company full and ample facilities for the disposal of all slag and other refuse that may be produced and turned out from their furnaces equal in all respects to the facilities enjoyed and possessed by the Pyle Company at the date of the commencement of this Act either by providing at their own cost and expense new and equally suitable tipping grounds for the Pyle Company as they now possess if in the opinion of the Pyle Company the same be required by reason of the construction or user of the railways and works authorised by this Act such tipping grounds to be provided in such a position that it may not be necessary in

A.D. 1896.

order to reach and use the same to cross the railways and works by this Act authorised upon the level or if the Company prefer it the Company shall in lieu of providing such new tipping grounds at their own cost and expense provide and for ever after maintain a bridge and the necessary approaches thereto to the satisfaction of the Pyle Company such bridge to be in substitution for and in lieu of the level crossing at the date of the commencement of this Act used by the Pyle Company over the existing lines of the Cefn and Pyle Junction Railway Company :

(4) Nothing in this section contained shall prejudice lessen or defeat the right of the Pyle Company to compensation for land acquired from or injury occasioned to their property by or in consequence of the works of the Company or to the construction of further necessary accommodation and other works as provided by the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and the Railways Clauses Act 1863 or any of those Acts :

(5) Any dispute or difference which may arise between the Pyle Company and the Company with reference to the provisions of this section or in any way arising thereout or any works so carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed between the Pyle Company and the Company and failing such agreement to be appointed by the Board of Trade at the request of either the Pyle Company or the Company and the decision of such arbitrator shall be final.

9. 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 in the construction of the railway may carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

Power to cross certain roads on the level.

No. on deposited Plans.	Parish.	Description of Road.
5	Pyle - - - -	} Public.
26	Pyle - - - -	

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(Ogmore Valleys Extension) Act, 1896.

A.D. 1896.

Height and span of bridges.

10. 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):—

No. on deposited Plans.	Parish.	Description of Road.	Height.		Span.
			ft.	in.	
94	Margam	Public	14	0	25
141	Margam	Public	14	0	25
12	Tythegston	Public	14	9	15

Works below high-water mark not to be commenced without consent of Board of Trade.

11. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Railways to form part of undertaking of Company.

12. The railways herein-before authorised shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the undertaking of the Company.

Period for completion of railways.

13. If the railways herein-before authorised by this Act 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 for making and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For the protection of the Messrs. Vivian.

14.—(1) If the Company acquire or cross the Morfa Railway under the powers of this Act they shall not do anything whereby the traffic passing from the Morfa Colliery to the works of Messrs. Vivian

at Port Talbot or to the sidings of the Great Western Railway at Margam sidings shall be interfered with or delayed at the point where Railway No. 1 by this Act authorised will either join or cross on the level the said Morfa Railway. A.D. 1896.

(2) The Company shall at their own cost provide and maintain a signalman to regulate the traffic at the said point if at any time it shall become reasonably necessary so to do for the prevention of any such interference or delay.

(3) If any difference should arise between the Company and the Messrs. Vivian touching this section such difference shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and the costs of the arbitration shall be borne as he shall direct.

15. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of twenty-seven thousand eight hundred and ninety-five pounds being equal to five per centum upon the amount of the estimate in respect of the railways originally proposed to be by this Act authorised has been deposited with the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas certain of the railways so originally proposed are not authorised by this Act and nineteen thousand and forty-two pounds of the said sum is attributable to those railways And whereas eight thousand eight hundred and fifty-three pounds of the said sum is equal in value to five per centum on the amount of the estimate of the railways by this Act authorised and is referred to in this Act as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the railways for public traffic and if the Company shall make default in so opening the railways the deposit fund shall be applicable and be applied in manner provided in the next following section Provided that if within such period as aforesaid the Company open any portion of the said railways for public traffic then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways so opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the

Deposit money not to be repaid except so far as railways are opened.

A.D. 1896. — railways or portion of railway so opened bears to the entire length of the railways or portion of railway the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

16. If the Company do not previously to the expiration of the period limited for the completion of the railways so complete and open the same respectively in manner aforesaid then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 railways 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 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 deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 railways have 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 or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or [has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Providing
for release
of portion of
deposit.

17. The High Court may and shall at any time after the passing of this Act on the application of the depositors order that the sum of nineteen thousand and forty-two pounds (part of the sum originally deposited in respect of the application for this Act) shall

be paid to the depositors or as they may direct and upon such order being made the said sum shall be paid accordingly. A.D. 1896.

18. On notice in that behalf served on the Company by or on behalf of the Glamorgan County Council from time to time after the passing of this Act the Company shall from time to time agree with the Glamorgan County Council for the appointment of an arbitrator who shall have power to determine whether the Glamorgan County Council has made out a case for requiring the Company to lay out construct equip and open their railways (or such parts thereof as shall be specified in the notice for the time being served by the county council) so as to satisfy the requirements of the Board of Trade with respect to railways to be used for the conveyance of passengers and should the arbitrator for the time being decide that such a case has been made out the Company shall within two years of the award lay out construct equip and open such railways or such part or parts thereof as aforesaid for the public conveyance of passengers accordingly And if the Company shall make default in so laying out constructing equipping or opening the same the Company shall cease to convey goods traffic thereon or any part thereof until the Company shall have so laid out constructed equipped and opened the same If the county council and the Company shall be unable within three months after service of such notice for the time being to agree upon an arbitrator the appointment of such arbitrator shall be made by the chairman for the time being of the County Councils Association.

Railway in certain event to be made passenger line.

19. Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways by a bridge or bridges unless the level of such road or public highway is permanently altered so as to increase the gradient of any part thereof.

Company not liable to repair surface of road gradient of which is not increased.

20. Every new diverted or substituted road street or footpath constructed under the powers of this Act shall be repaired and maintained by the same body or persons (including the Company) and by the same means as other roads streets footways or highways in the parishes townships or places in which such new diverted or substituted road street or footpath will be situate are for the time being liable to be repaired or maintained Provided that unless otherwise agreed the structure of every bridge shall be repaired and maintained by the Company The Company and any such body or persons may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and

As to repair &c. of substituted roads &c.

A.D. 1896. maintenance of all or any of such new diverted or substituted roads streets or footpaths Any such agreements shall be deemed to be purposes of the Public Acts under which such body or persons have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts The certificate of two justices of the due completion of any such new diverted or substituted road street or footpath shall be conclusive evidence of the fact so certified and such certificate shall be obtained and the new diverted or substituted road street or footpath opened to the public before the existing road street or footpath is interfered with except in so far as may be necessary for the construction and completion of such new diverted or substituted road street or footpath.

As to vesting of site and soil of portions of roads &c. stopped up.

21. Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of streets roads and footpaths stopped up and discontinued under the authority of this Act or included within the limits of the lands shown on the deposited plans as intended to be compulsorily taken and which shall be so taken and the fee simple and inheritance of such streets roads and footpaths shall if and so far as the Company are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to the purposes of their undertaking.

Power to take easements &c. by agreement.

22. 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 parties to the agreement have an interest) required for the purposes of this Act or any of the purposes of their undertaking 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.

Period for compulsory purchase of lands.

23. The powers 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.

Restrictions on displacing persons of labouring class.

24.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or other 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 last

were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They 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 last 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) They 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 under this section 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

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 Vict.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896. 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.

(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 purpose 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 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 by that Board under the Public Health Act 1875.

A.D. 1896.

(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" means and 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.

25. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans and described in the schedule to this Act and herein-after referred to as the scheduled properties will be sufficient for the purposes of the Company and that such portions or some other portions less

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

A.D. 1896. than the whole can be severed from the remainder of the scheduled properties without material detriment thereto. Therefore the following provisions shall have effect (that is to say) :—

- (1) In this section the expression "the owner" means and includes the respective owners and persons interested in the respective scheduled properties and the expression "the tribunal" means the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted :
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion of such property only without the Company being obliged or compellable to purchase the whole thereof the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by them determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not (subject to the power of withdrawal by the Company herein-after provided for) whether any and what other portion of the scheduled property less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole of such property the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder

without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner incident to the arbitration or inquiry shall be borne and paid by such owner :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto and whether or not they shall determine that any other portion can be so severed the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion of such costs charges and expenses as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

26. The Company may for the purposes of this Act (in addition to any lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any land or foreshore not exceeding in the whole twenty acres and any right easement or privilege therein thereunder thereover or thereupon (not being an easement right or privilege of water in which other than parties to the agreement have an interest) but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands so taken.

Power to
acquire
additional
lands by
agreement.

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896.

Power to
acquire
Morfa Rail-
way and Cefn
and Pyle
Railway.

27. Subject to the provisions of this Act the Company may acquire by agreement the said railways known respectively as the Morfa Railway and the Cefn and Pyle Railway and all lands buildings bridges sidings junctions approaches property and rights powers and privileges connected therewith and they may utilise the said respective railways or any part or parts thereof respectively and the before-mentioned matters appurtenant thereto or exercise-able therewith respectively for the purposes of the railways by this Act authorised or any of them or other the purposes of the Company.

If the Company acquire the said railways or either of them such railways or railway (as the case may be) shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the undertaking of the Company.

Power to
retain lease
&c. lands.

28. The Company may retain hold and use for such time as they think fit and may from time to time lease any lands situate within the limits of the harbour and vested in them by the Act of 1894 or acquired by them by agreement under the powers of that Act or of this Act Such lease may be made in consideration of the construction of works or the erection of warehouses works a hotel and other buildings for promoting or facilitating the business of the Company or the convenience of vessels or persons using the undertaking of the Company or partly for such consideration and partly in consideration of the payment of a gross sum of money or of an annual rent or of any payment in any other form and on under or subject to such terms covenants and conditions as the Company think fit and the Company may sell exchange and dispose of all such lands so situate as they may from time to time by resolution declare will not be required for the purposes of their undertaking or for any of the purposes aforesaid and the Company may do and execute any act deed or thing proper for effectuating any sale lease exchange or disposition by this Act authorised.

*Additional
Capital.*

Power to
raise
additional
capital.

29. The Company from time to time may for the purposes of this Act and for the general purposes of their undertaking raise by the creation and issue of shares or stock such additional capital as they shall think necessary not exceeding two hundred and ten thousand pounds exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament and the Company may create and issue such shares or stock either wholly or partly as ordinary or wholly or partly as preferential shares or stock as they may think fit.

A.D. 1896.

30. 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 of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one-fifth part thereof shall have been paid up.

31. Except as by or under the powers of this Act otherwise provided the new ordinary shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of existing ordinary shares or stock of the Company.

Qualifications of new shares or stock.

32. Subject to the provisions of the Act of 1894 by which the Company are authorised to raise capital by new shares and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company if they think fit may raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to raise capital under any other Act and this Act by new shares or stock of one class.

33. The Company may in respect of the additional capital of two hundred and ten 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 seventy thousand pounds Provided that in respect of every thirty thousand pounds of such additional capital issued and accepted and one-half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole ten thousand pounds but no part of any of the before-mentioned sums of ten thousand pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such portion of additional capital have been issued and accepted and that one-half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion

Power to borrow on mortgage.

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896. of 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 such portion 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 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 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.

Former mortgages to have priority.

34. The principal moneys secured by all mortgages authorised to be granted by the Company in pursuance of the powers of the Act of 1894 shall when granted during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Interest not to be paid on calls paid up.

35. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act passed in this session of Parliament authorised to raise to any shareholder on the amount of the calls made in respect of the shares or on the amount of any stock 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.

Power to apply corporate funds to purposes of Act.

36. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Debenture stock.

37. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 27 of the Act of 1894.

Application of moneys.

38. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and for the general purposes of the

Company being in each case purposes to which capital is properly applicable. A.D. 1896.

39. If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

40. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. Saving rights of the Crown in the foreshore.

41. 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.

42. 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. Provision as to general Railway Acts.

43. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

[Ch. cxlv.] *Port Talbot Railway and Docks* [59 & 60 VICT.]
(*Ogmore Valleys Extension*) Act, 1896.

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE REQUIRED.

Parish.	Nos. on deposited Plans.
Margam - - -	4 25 91 221.
Pyle - - -	21 48.

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.