



CHAPTER cxciii.

An Act to enable the Barry Railway Company to construct new Railways and to exercise certain running powers and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS it is expedient that the Barry Railway Company (in this Act called "the Company") should be empowered to make and maintain the railways and works described in this Act:

And whereas it is expedient that powers should be conferred upon the Company to run over and use the portions of railways herein-after specified:

And whereas the Company require additional capital for the purposes of this Act and in connexion with their authorised undertaking and it is expedient that powers should be conferred upon the Company to raise additional capital and that further powers should be conferred upon the Company such as are herein-after mentioned:

And whereas plans and sections showing the line and levels of the railways authorised by this Act and also a book 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 for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the Company are proceeding with the dock and other works authorised under the Barry Railway Act 1893 and require to take additional lands in the parishes of Cadoxton-juxta-Barry and Saint Andrews Major in the county of Glamorgan or one of them for the purposes of the works authorised by the said Act and have caused plans of such lands and a book of reference to such plans to be deposited with the clerk of the peace for the county of Glamorgan in the month of March one thousand eight

A.D. 1896. — hundred and ninety-six which plans and book of reference are in this Act referred to as the plans and book of reference of the additional lands:

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

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

Short title.

1. This Act may be cited as the Barry Railway Act 1896.

Incorporation of general Acts.

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

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (relating to construction of a railway) of the Railways Clauses Act 1863.

Extending certain provisions of Company's Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of 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;

and also Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares to additional capital and to debenture stock) as amended by the Companies Clauses Act 1869 shall subject to the provisions of this Act extend and apply to the capital and money hereby authorised to be raised by shares or stock or borrowing and the proprietors thereof.

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

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Interpre-
tation.

The expression "the Company" means the Barry Railway Company ;

The expressions "the railway" or "the railways" mean the railways by this Act authorised ;

And the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall 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.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are—

Power to
make new
railways.

A Railway (No. 1) (6 miles 7 furlongs 0·11 chains or thereabouts in length) commencing in the parish of Saint Fagan's and county of Glamorgan by a junction with the Company's main line from Barry to Hafod at a point $7\frac{1}{2}$ chains or thereabouts measured along the said main line northward from the mile post or mark denoting $7\frac{3}{4}$ miles from Barry and terminating in the parish of Eglwysilan in the said county by a junction with the Rhymney Railway Company's Walnut Tree Branch Railway at a point 3 chains or thereabouts measured along the said branch railway in the direction of Walnut Tree Junction from the mile post or mark denoting $10\frac{1}{4}$ miles from Cardiff :

A Railway (No. 2) (2 miles 1 furlong 6·60 chains or thereabouts in length) wholly in the parish of Eglwysilan and county of Glamorgan commencing by a junction with the intended Railway (No. 1) herein-before described at or near a point on the north-east boundary fence which separates the enclosures numbered upon the 25-inch Ordnance map 2290 and 2291 in that parish such point being one chain or thereabouts from the northernmost corner of the said enclosure numbered 2291 and terminating by a junction with the Rhymney Railway Company's Aber Branch Railway at a point $6\frac{1}{4}$ chains or

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thereabouts measured along the said branch railway in the direction of Cardiff from the mile post or mark denoting $10\frac{1}{2}$ miles from Cardiff :

- A. Railway (No. 3) (3 furlongs 0·20 chains or thereabouts in length) wholly in the parish of Sully in the county of Glamorgan commencing by a junction with the railway authorised by the Barry Railway Act 1894 at the termination thereof on Barry Island near the junction of the roads known as Ivor Street and Plymouth Road and terminating at a point on the foreshore 10 chains or thereabouts measured in a southerly direction from the outer gates of the entrance to the Barry Dock Basin.

Inclination
of a road.

6. In altering for the purposes of this Act the road numbered on the deposited plans 64 in the parish of Eglwysilan the Company may make the same of any inclination not steeper than 1 in $5\frac{1}{2}$.

Width of
certain
roadways.

7. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
21	Eglwysilan -	Public road -	20 feet.
64	Eglwysilan -	Public road -	20 feet.

Power to
divert road
as shown on
deposited
plans.

8. The Company may divert the road numbered on the deposited plans 64 in the parish of Eglwysilan in the manner shown upon the deposited plans and sections and when the new portion of the said road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as such portion of the said road is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

9. For the protection of the Llandaff and Dynas Powis District Council (herein-after called "the district council") the following provisions shall apply and have effect:—

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As to certain footpaths under the Llandaff and Dynas Powis District Council.

(1) The Company shall in constructing Railway No. 1 through the field numbered on the deposited plans of that railway 13 in the parish of Saint Fagan's form an archway under the said railway for the accommodation of the owner of and persons interested in the said field and also for the purpose of carrying under the same the footpath crossing the said field and shall if necessary divert the said footpath for the purpose of carrying the same under the said archway:

(2) The Company shall divert the footpaths which will be intersected by the Railway No. 1 between the road numbered 10 in the parish of Pentyrch and the southern boundary of the said parish and shall carry the same over the said railway by means of a bridge to be constructed for that purpose and for the accommodation of the owner of and persons interested in the property at some point in the field numbered 3 in the said parish of Pentyrch:

The diverted footpath shall be formed on the north-west side of the railway between the said road numbered 10 as aforesaid and the said bridge:

(3) The Company shall in constructing Railway No. 1 through the enclosure numbered on the deposited plans of that railway 12 in the parish of Pentyrch form an archway over the said railway for the accommodation of the owner thereof and persons interested in the said enclosure and also for the purpose of carrying over the same the footpath crossing the said enclosure and shall if necessary divert the said footpath for the purpose of carrying the same over the said archway:

(4) The said railway shall be carried over the footpath in the fields numbered 13 and 14 in the parish of Radyr:

(5) When the diversion of the said footpaths as provided by this section shall have been completed to the reasonable satisfaction of the district council the Company may stop up and extinguish all rights of way over those portions of the said footpaths respectively for which the diversions will be substituted so far as they will be within the limits of the Company's property.

10. For the protection of the Ystradyfodwg and Pontypridd Main Sewerage Board the following provisions shall have effect (that is to say):—

For the protection of the Ystradyfodwg &c. Sewerage Board.

The Company shall take all reasonable precautions and do and maintain such works as may be reasonably necessary for

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preventing as far as possible any injury to the works and property of the said sewerage board and shall make good all damage which may be occasioned thereby.

Lands for
extra-
ordinary
purposes.

11. The quantity of land to be taken by the Company by agreement under this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in this Act or in that 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 land so taken.

Power to
purchase
additional
lands.

12. Subject to the provisions of this Act the Company may enter upon purchase and take and may hold and use for the purposes of their undertaking all or any of the lands hereafter described so far as the same are delineated on the plans of the additional lands and described in the book of reference to such plans deposited in the month of March one thousand eight hundred and ninety-six (that is to say) :—

Lands in the parishes of Cadoxton-juxta-Barry and Saint Andrews Major in the county of Glamorgan or one of them which lands are situate on and adjacent to the Cadoxton Brook and adjoin the lands recently acquired by the Company under the powers of the Barry Railway Act 1893.

Period for
compulsory
purchase of
lands.

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

Period for
completion
of railways.

14. If the railways are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Railways to
form part of
railways of
the Com-
pany.

15. The railways 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 Barry Railway and comprised in the undertaking of the Company.

Penalty on
Company
if railways
not com-
pleted.

16. If the Company fail within the period limited by this Act to complete the railways which they are by this Act authorised to make and complete the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which default is made is completed and in the case of Railway No. 1 is opened for the public

conveyance of passengers and in the case of Railway No. 2 or Railway No. 3 is opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of such railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the Bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

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17. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway in respect of which the penalty has been incurred 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

Application
of penalty.

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Power to
take ease-
ments &c.
by agree-
ment.

18. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in 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.

Owners may
be required
to sell parts
only of cer-
tain lands and
buildings.

19. 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 houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the 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 arbitrator arbitrators umpire or jury assessing or determining the compensation under that Act 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 of the said properties the owner or other person interested shall fail to notify to the Company his contention that such portion cannot be severed from the remainder of the property without causing material detriment thereto then the Company may proceed to take such portion only :

But if within such twenty-one days he shall by notice to the Company allege that such portion cannot be severed from the remainder without causing such material detriment as aforesaid then the arbitrator arbitrators umpire or jury shall determine the matter of the said allegation in addition to the other questions required to be determined by them :

Provided that if in the opinion of the arbitrator arbitrators umpire or jury any such portion cannot be severed from the

remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice and may if they think fit proceed de novo to take the whole or any other portion of the property :

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Provided also that if in the opinion of the arbitrator arbitrators umpire or jury any such portion can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then they may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

20. 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.

Repair of surface of road over bridges and of diverted roads.

As regards any road which shall be diverted by the Company in the execution of any of their works the Company shall not be liable for the maintenance and repair of the diverted portions of such road as from the date when such diverted portions shall have been completed to the satisfaction of the road authority and opened to the public but the diverted portions of such road shall thereafter be maintained and repaired by the authority having the control of the existing road for which the diversion is substituted.

21. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban district or in 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 occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purpose 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

Restriction on taking houses of labouring class.

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other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

For the protection of the corporation of Cardiff.

22. For the protection of the mayor aldermen and burgesses of the county borough of Cardiff (in this section called "the corporation") the following provisions shall have effect with respect to the construction of the viaduct across the road from Cardiff to Merthyr Tydfil (that is to say):—

The Company shall not alter the position of or in any way interfere with the water conduit of the corporation known as the Taff Fawr Conduit laid in the said road:

The Company shall not without the consent of the corporation under their common seal place the foundation of any pier or abutment or make any excavation therefor so that any part of the same respectively shall be within thirty feet on the east side and within forty feet on the west side of the Taff Fawr Conduit in the road numbered 17 on the deposited plans in the parish of Eglwysilan and such foundations shall be carried at least to the same depth as the bottom of the said conduit.

For the protection of the Pontypridd Caerphilly and Newport Railway Company.

23. For the protection of the Pontypridd Caerphilly and Newport Railway Company (in this section called "the Pontypridd Company") the following provisions shall have effect (that is to say):—

(1) The Company shall not enter upon or interfere with the railway of the Pontypridd Company or any of the lands or works of that company or execute any works whatever under or over or affecting the same until the Company shall have delivered to the Pontypridd Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the engineer of the Pontypridd Company or in the event of his failure to approve the same 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 President of the Institution of Civil Engineers 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 engineer of the Pontypridd Company or in case of difference of an engineer to be appointed on the application of either Company by the Board of Trade:

(2) In constructing the railway by this Act authorised through or over the land and property of the Pontypridd Company the Company shall not deviate to a greater extent than forty yards

on either side from the centre line shown on the deposited plans where the railway crosses over the railway of the Pontypridd Company without the previous consent in writing of that company under their common seal: A.D. 1896.

- (3) The said railway where the same is intended to cross the railway land and works of the Pontypridd Company shall be carried over the same by means of a bridge having a clear headway of fourteen feet six inches and two spans of twenty-six feet each measured on the square and such crossing of the railway of the Pontypridd Company shall be effected in such manner as not to injure the stability of that railway and works in any way whatever :
- (4) The Company shall bear and on demand pay to the Pontypridd Company the reasonable expense of the employment by that company during the making of the railway over and adjacent to the railway of the Pontypridd Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the railway of the Pontypridd Company if necessary 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 or otherwise :
- (5) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Pontypridd Company all losses costs damages and expenses which may be occasioned to them or any of their works lands or property or to the traffic of their said railway 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 persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Pontypridd 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 :
- (6) The Company shall at their sole expense at all times maintain the bridge and other works by which the railway shall be carried over the railway of the Pontypridd 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 Pontypridd Company and if and whenever the Company fail so to do after one month's notice in writing from the

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Pontypridd Company for that purpose or in case of urgency the Pontypridd 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 the Pontypridd Company shall think requisite in that behalf for ensuring such repair and the sum from time to time reasonably incurred in that behalf shall be repaid to them by the Company and in default of repayment the amount due may be recovered with costs by the Pontypridd Company from the Company in any court of competent jurisdiction :

- (7) In constructing the railway by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Pontypridd Company :
- (8) Except for the purpose of crossing the railway of the Pontypridd Company the Company shall not take or acquire any land of the Pontypridd 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 Pontypridd 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 and works by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Pontypridd Company under their common seal and with respect to any lands of the Pontypridd 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 applied accordingly :
- (9) The Company shall pay to the Pontypridd 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 :
- (10) If any dispute shall arise between the Pontypridd 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 the cost of such arbitration to be in the discretion of such arbitrator. A.D. 1896.

24. For the protection of the company of proprietors of the Glamorganshire Canal Navigation (herein-after referred to as "the canal company") the following provisions shall have effect (that is to say):— For the protection of the Glamorgan shire Canal Navigation.

- (a) The Railway No. 1 by this Act authorised shall not when completed interfere with the waterway locks or towing-path of the canal of the canal company except by the bridge carrying the Railway No. 1 across the said canal and towing-path which bridge shall have a clear span of forty feet on the square and a clear height of twenty feet from the present level of the towing-path to the under side of the arch and the abutments of the bridge shall be built parallel with the centre line of the canal and proper retaining walls shall be built and maintained by the Company for supporting the towing-path beneath the bridge :
- (b) During the construction of the Railway No. 1 by this Act authorised neither the waterway nor any part of the towing-path shall be taken nor shall the same be interfered with except so far as may be necessary for the purpose of constructing and carrying the said bridge over the same (for which purpose an easement only shall be acquired) and neither during the construction of the said bridge nor at any other time shall the free passage of traffic along the canal or towing-path be impeded :
- (c) All existing tramways and communications between the canal and any collieries mines works quarries or clay-pits which shall be severed from the canal by the railways or either of them shall be kept open by means of bridges to be constructed and for ever after maintained by and at the expense of the Company to the reasonable satisfaction of the engineer of the canal company and all such bridges if over such tramways roads or communications shall be of not less than twelve feet span and eight feet high where such height can be given without altering the level of the railway :
- (d) In case the canal company or the proprietor or proprietors of any collieries mines works or quarries or other person or persons having a right under the canal company's Acts to make railways or roads for bringing goods to or from the canal shall at any time hereafter desire to make any such railway or road

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under or over the Railway No. 1 hereby authorised it shall be lawful for them or him so to do and any such railway or road to be constructed under the said railway hereby authorised may be carried under the said railway by means of a bridge having a span not exceeding twelve feet and whether such railway or road shall be over or under the railways hereby authorised or one of them the bridge carrying the same over or under the last-mentioned railway shall be constructed to the reasonable satisfaction of the Company's engineer and so as not to interfere with the stability or working of the said railway:

(e) The Company shall be responsible in damages to the canal company for any injury to their canal or works which may happen whether by accident or otherwise by reason of the construction of the said railway:

(f) If any difference shall arise between the Company and the canal company as to any matter or thing provided for or enacted by this section the same shall be referred to an arbitrator to be agreed upon between them or failing agreement to an arbitrator to be appointed by the President for the time being of the Institution of Civil Engineers.

For the
protection of
the Taff Vale
Railway
Company
as to works.

25. For the protection of the Taff Vale Railway Company (in this section called "the Taff Vale 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 Taff Vale Company or any of the works of the Taff Vale Company or execute any works whatever over or affecting the same until the Company shall have delivered to the Taff Vale Company plans and drawings of such intended works and until those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Taff Vale Company or in the event of his failure for thirty 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 President for the time being of the Institution of Civil Engineers 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 Taff Vale Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the said President:

(2) The said Railway No. 1 by this Act authorised where the same is intended to cross over the main line of railway of the

Taff Vale Company near Walnut Tree Junction shall be carried over that railway by means of a bridge having a span of not less than seventy feet on the square and having a clear headway throughout of not less than fifteen feet above the level of the surface of the rails and where the said Railway No. 1 is intended to cross over the branch railway of the Taff Vale Company known as the Llantrissant No. 1 Branch Railway it shall be carried over that branch by means of one bridge having a clear span of at least twenty-five feet six inches on the square and if the said railway crosses the existing siding of the Taff Vale Company the Company shall construct over the said siding another bridge having a span of fifteen feet on the square both such spans having a clear headway throughout of not less than fifteen feet above the level of the surface of the rails of the existing siding at such crossing and such crossings of the railways of the Taff Vale Company shall be effected in such manner as not to injure the stability of the railways and works of the Taff Vale Company Provided that if at any time hereafter the Taff Vale Company require to widen their railways where the same are crossed by the said Railway No. 1 they may alter the said bridges for that purpose in accordance with plans and drawings submitted to and approved by the engineer of the Company or by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers as herein-before provided :

(3) The Company shall bear and on demand pay to the Taff Vale Company the reasonable expense of the employment by them of a sufficient number of inspectors signalmen or watchmen to be appointed (if necessary) by them for watching their railways and works and the conduct of the traffic thereon during the making of the Railway No. 1 where it will cross the railways and works of the Taff Vale Company 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 :

(4) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Taff Vale 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 or to any company or persons using the same 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

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Taff Vale Company from all claims and demands upon or against them by reason of such execution or failure and of any such failure act default or omission :

- (5) The Company shall at their sole expense at all times maintain the bridges and other works by which the said Railway No. 1 shall be carried over any of the railways of the Taff Vale 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 Taff Vale Company and if and whenever the Company fail so to do then after one month's notice in writing from the Taff Vale Company for that purpose or in case of urgency without any notice whatever the Taff Vale 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 Taff Vale 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 Taff Vale Company from the Company in any court of competent jurisdiction :
- (6) In constructing or maintaining the railways or the incidental works connected therewith the Company shall not in any way obstruct or interfere with the traffic passing along the railways of the Taff Vale Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction of or interference with the railways of the Taff Vale Company or either of them so as to impede or prevent the convenient passage of engines and carriages along such railways or either of them the Company shall pay to the Taff Vale Company the sum of twenty pounds per hour during which any such obstruction of or interference with either of such railways shall continue :
- (7) Except for the purpose of constructing Railway No. 1 nothing in this Act shall empower the Company to take or acquire any land of the Taff Vale 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 Taff Vale Company under their common seal and with respect to any lands of the Taff Vale Company which the Company are by this Act authorised to purchase take use enter upon or interfere with for the purposes of such crossings 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 shall apply accordingly :

- (8) The Company shall pay to the Taff Vale 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 Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement :
- (9) If any dispute shall arise between the Taff Vale 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 the costs of such arbitration to be in the discretion of such arbitrator.

26. For the protection of the Rhymney Railway Company (in this section called "the Rhymney Company") the following provisions shall have effect (that is to say) :—

For the protection of the Rhymney Railway Company.

- (1) The Company shall not enter upon or interfere with the railway of the Rhymney Company 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 Rhymney Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the engineer of the Rhymney Company or in the event of his failure to approve the same 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 President of the Institution of Civil Engineers and all the intended works (except as herein-after provided) 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 engineer of the Rhymney Company or in case of difference of an engineer to be appointed on the application of either Company by the Board of Trade :
- (2) The said railway where the same is intended to cross the railway land and works of the Rhymney Company near Penrhos

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shall be carried over the same by means of a girder bridge having a clear headway of not less than fifteen feet and two spans of not less than twenty-five feet each measured on the square. Such crossing of the railway of the Rhymney Company shall be effected in such manner as not to injure the stability of the said railway :

- (3) Where the Railway No. 2 by this Act authorised is intended to cross over the site of Railway No. 2 authorised by the Rhymney Railway Act 1890 the Company shall so construct their railway as to provide at some convenient point within the limits of deviation of Railway No. 2 authorised by the Rhymney Railway Act 1890 a bridge for carrying the Railway No. 2 by this Act authorised over the said authorised Rhymney Railway such bridge having a clear height of not less than fifteen feet and a span of twenty-six feet measured on the square and one half of the cost of constructing the said bridge shall be repaid on demand by the Rhymney Company to the Company :
- (4) The junctions of Railways Nos. 1 and 2 with the Rhymney Company's Walnut Tree and Aber Branches respectively shall be effected in such manner and in accordance with such plans as shall previously have been approved by the engineer of the Rhymney Company and the junctions and works connected therewith on the land of the Rhymney Company shall be executed by that company :
- (5) The Rhymney Company may also from time to time erect such signals interlocking apparatus and conveniences incident to the said junctions respectively either on their own land or on the land of the Company and appoint and remove such watchmen switchmen and other persons as may be necessary for the prevention of danger to or interference with traffic at and near the junctions and the working and management of the signals interlocking apparatus and conveniences wherever situate shall be under the exclusive regulation and control of the Rhymney Company. The expense of the construction and erection of such junctions and works signals interlocking apparatus and conveniences and all expenses incidental thereto shall be repaid by the Company to the Rhymney Company on demand and in default thereof may be recovered from the Company in any court of competent jurisdiction. Such junctions signals interlocking apparatus and conveniences shall be thereafter maintained and worked by the Rhymney Company and the expense of such maintenance and working and of employing such watchmen switchmen and other persons and all incidental

current expenses shall at the end of every half year be repaid by the Company to the Rhymney Company and in default thereof may be recovered from them in any court of competent jurisdiction :

- (6) The Company shall bear and on demand pay to the Rhymney Company the reasonable expense of the employment by that company during the making of the railway over and adjacent to the railway of the Rhymney Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the railway of the Rhymney Company if necessary 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 :
- (7) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Rhymney Company all losses costs damages and expenses which may be occasioned to them or any of their works lands or property or to the traffic of their said railway 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 persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Rhymney 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 :
- (8) The Company shall at their sole expense at all times maintain the bridges and other works by which the railway shall be carried over the railway of the Rhymney 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 Rhymney Company and if and whenever the Company fail so to do after one month's notice in writing from the Rhymney Company for that purpose or in case of urgency the Rhymney Company may make and do in and upon as well the land of the Company as their own land all such works and things as the Rhymney Company shall think requisite in that behalf for ensuring such repair and the sum from time to time reasonably incurred in that behalf shall be repaid to them by the Company and in default of repayment the amount due may be recovered with costs by the Rhymney Company from the Company in any court of competent jurisdiction :

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- (9) In constructing the railway by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Rhymney Company :
- (10) Except for the purpose of constructing the railways and works authorised by this Act and making the aforesaid junctions the Company shall not take or acquire any land of the Rhymney 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 Rhymney 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 and works by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Rhymney Company under their common seal and with respect to any lands of the Rhymney Company which the Company are by this Act authorised to purchase take use enter upon or interfere with for the purpose of such railway and works 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 :
- (11) The Company shall pay to the Rhymney 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 :
- (12) If any dispute shall arise between the Rhymney 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.

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

27. 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.

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28. The period fixed by section 24 of the Barry Railway Act 1894 within which the Company are bound to provide moorings and buoys in Barry Harbour to the satisfaction of the Board of Trade and if required by the Board of Trade to remove so much of the rocks in Barry Harbour or at the entrance thereof as the Board of Trade shall consider necessary shall be extended for a further period of two years from the passing of this Act.

Extending section 24 of Act of 1894.

29.—(1) The Company shall so construct and complete Railway No. 1 by this Act authorised as to satisfy the requirements of the Board of Trade with respect to railways to be used for the conveyance of passengers.

As to opening railway for passenger traffic.

(2) The Company shall proceed to exercise for conveyance of passenger traffic the powers by this Act conferred of running over and using the railways of the Rhymney Railway Company from the junction therewith by this Act authorised into and including Caerphilly Station and so soon as the necessary arrangements have been made with respect to the exercise of such running powers shall open Railway No. 1 for the conveyance of passengers. Provided always that the Company be not compelled to exercise the running powers granted under this Act with regard to passenger traffic unless the Board of Trade at the application of the Glamorganshire County Council shall determine that it is expedient in the public interest that such powers should be exercised.

30. The Company may apply towards the construction of the railways and works by this Act authorised and other purposes of this Act being in all cases purposes to which capital is properly applicable 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

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

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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 three hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock 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.

31. The Company shall not issue any share created under the authority of this Act 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.

32. 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.

As to votes of proprietors of new shares or stock.

33. 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.

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.

Power to borrow.

34. The Company may in respect of the additional capital of three hundred and fifty 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 one hundred and sixteen 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 bona 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.

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35. Section 14 of the Barry Railway Act 1895 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 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.

Appointment
of receiver.

36. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 44 of the Barry Dock and Railways Act 1884.

Debenture
stock.

37. 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.

Former
mortgages
to have
priority.

38. 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 to which capital is properly applicable and not otherwise.

Application
of moneys.

39. The Company may run over and use with their engines carriages and waggons and clerks officers and servants whether in charge of or accompanying any engines or trains or for other purposes for the purposes of passenger and coaching traffic the portion of railway herein-after mentioned (viz.) :—

Running
powers.

So much of the railways of the Rhymney Railway Company situate to the northward of the junction therewith of Railway No. 1 by this Act authorised as is situate between the said junction and the Caerphilly Station including that station :

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Together with the stations on the said portion of railway and all roads platforms points signals water watering-places engine-sheds standing room for engines carriages and waggons booking and other offices warehouses sidings loading and unloading places turntables junctions machinery works and conveniences of or connected with the said portion of railway and stations.

Terms on which running powers to be exercised.

40. The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall if not agreed upon between the Company and the company over whose undertaking such powers are exercised be from time to time determined by an arbitrator to be appointed on the application of either party in difference by the Board of Trade and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either of the parties who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other of them as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue.

If the arbitrator is of opinion that the Caerphilly Station requires any enlargement or alteration to adapt it for the exercise of the running powers conferred by this Act he may order that the same shall be effected and the cost thereof borne by the Company and the Rhymney Railway Company or either of them in such manner as he may think fit.

Byelaws to be observed.

41. In running over and using any railways or portion of railway and in using any of the said stations and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Amendment of section 99 (4) of Act of 1884 as to tonnage or wharfage rates.

42. Section 99 (sub-section (4)) of the Barry Dock and Railways Act 1884 shall be read and have effect as if the words "or wharfage rates" were inserted after the words "tonnage rates" in that sub-section and as if after the words "payable under this Act" in that sub-section there were inserted the words "so that in case of
 " an agreement with the owner or master of any vessel the agreed
 " rates shall be recoverable as tonnage rates and in the case of an
 " agreement with the owner consignor or consignee of any goods
 " the agreed rates shall be recoverable as wharfage rates."

43. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other 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.

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—
Interest not
to be paid on
calls paid up.

44. 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.

45. Nothing in this Act contained shall exempt the Company or the railway 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.

46. 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.

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The SCHEDULE referred to in the foregoing Act.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE REQUIRED BY THE COMPANY.

Parishes	Numbers on Plans deposited with respect to this Act.
RAILWAY No. 1.	
Pentyrch	50 51
Eglwysilan	20.
RAILWAY No. 2.	
Eglwysilan	150 152.

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