



CHAPTER ccxii.

An Act to enable the Port Talbot Railway and Docks Company to construct New Railways in the County of Glamorgan to join the South Wales Mineral Railway and a Railway known as the Whitworth Railway and to acquire the last-mentioned Railway and for other purposes. A.D. 1896.
[7th August 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 new railways in this Act described:

And whereas the South Wales Whitworth Mineral Estates Company Limited (in this Act called "the Whitworth Company") are or claim to be the owners of an extensive mineral estate situate to the north of the South Wales Mineral Railway and for the purpose of developing the minerals on the said estate have constructed in the parish of Baglan (detached) a Railway (known as and in this Act called "the Whitworth Railway") and it is expedient that the Company should be authorised by agreement with the Whitworth Company to acquire the Whitworth Railway:

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And whereas a portion of the Whitworth Railway is constructed on land belonging or reputed to belong to Sir William Thomas Lewis over which the Whitworth Company have only a wayleave for a short term and it is expedient if the Company acquire the Whitworth Railway that they should be authorised to acquire so much of the said land as is occupied by that railway :

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 :

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 plans of the lands which are authorised to be acquired under the powers of this Act 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 :

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 (South Wales Mineral Railway Junction) 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 and Part III. relating to working agreements 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 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 ;

The transfer or transmission of shares ;

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

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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 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 in the county of Glamorgan in the lines and according to the levels shown on the deposited 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 plans and described in the deposited books of reference as may be required for those purposes:— Power to make railways.

A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 1) 5 miles 19·7 chains in length commencing in the parish of Margam by a junction with Railway No. 4 authorised by the Act of 1894 at a point on that railway about 235 yards south-east of the centre of the bridge for carrying the said railway over the Oakwood Railway and terminating in the parish of Baglan (detached) in the field

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numbered 69 on the sheet No. XVI. 15 of the 25-inch Ordnance map of the parish of Baglan :

A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 2) 19·5 chains in length wholly in the said parish of Baglan (detached) commencing by a junction with Railway (No. 1) herein-before authorised at the termination thereof and terminating by a junction with the South Wales Mineral Railway at the centre of the bridge described as Pont Aber-gwen-ffrwd on sheet No. XVI. 15 of the 25-inch Ordnance map of the said parish of Baglan :

A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 4) 38·5 chains in length wholly in the said parish of Margam commencing by a junction with Railway (No. 1) authorised by the Act of 1894 at a point distant 22 yards or thereabouts north of the level crossing by the said railway of the public road leading from Taibach to Dyffryn-isaf and terminating by a junction with Railway No. 4 authorised by the Act of 1894 at a point distant 421 yards or thereabouts south-east of the bridge for carrying the said railway over the Oakwood Railway.

Power of vertical deviation.

6. In constructing Railway (No. 1) between the points respectively marked on the deposited plans one mile four furlongs and three miles the Company may for the purpose of crossing the railway of the Rhondda and Swansea Bay Railway Company deviate vertically to any extent not exceeding twelve feet upwards or downwards.

Inclination of road.

7. In altering for the purposes of this Act the public road numbered on the deposited plans 7 in the parish of Margam the Company may make the same of any inclination not steeper than one in ten.

Height and span of bridges.

8. The Company may make the arches of the bridges for carrying the railways 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.	Ft.
4	Michaelston-super-Avon	Public	14 0	20
5	Llantwit-juxta-Neath	Public	14 0	20
105	Margam	Public	14 0	20

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9. 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.

Railways to form part of undertaking of Company.

10. 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.

Period for completion of railways.

11. For the protection of the mayor aldermen and burgesses of the borough of Aberavon (in this section called "the corporation") the following provisions shall have effect (that is to say):—

For the protection of the Aberavon Corporation.

(1) The Company before they interfere with any portion of the Oakwood Railway shall take up the water main of the corporation laid along that railway from Ynysygwas to Aberavon and relay the same and the valves and apparatus connected therewith on the north side and (so far as is reasonably practicable) outside the fence of Railway (No. 1) and at all points where the said water main valves or apparatus shall be laid inside the fence of the said railway the surveyor of the said borough and his workmen shall at all reasonable times have access to the said main valves and apparatus but so as not to interfere with the traffic on the said railway :

(2) The said water main if and where it shall cross under the said railway shall be laid at such a depth thereunder that not less than three feet shall intervene between the top of the said main and the top of the rails.

12. If for the construction of the railways by this Act authorised the Company shall cross any existing railway or siding the property of Emily Charlotte Talbot or acquire any part thereof they shall in all places where their authorised levels admit of it carry their said railways across the same by means of a bridge and in other places by a level crossing signalled and watched where necessary by and at the expense of the Company so that the existing communications of such railways or sidings with other railways or with any part of the estate of Emily Charlotte Talbot shall not be obstructed by the Company's railway Provided that the said Emily Charlotte Talbot shall consent to and facilitate so far as her land and powers enable her to do so any deviation or alteration at the expense of the Company of her existing railways and sidings which shall be necessary to carry into effect the above object in the most reasonable manner which shall not in itself be unduly injurious to her property Any difference as to what is reasonable shall be settled by an arbitrator

For the protection of Emily Charlotte Talbot.

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A.D. 1896. to be appointed by the President of the Institution of Civil Engineers and in respect of the junction with the railway of the Rhondda and Swansea Bay Railway Company that company shall be entitled to appear and be heard before such arbitrator.

For securing construction of railway to South Wales Mineral Railway.

13. No part of Railway (No. 1) by this Act authorised southward of the crossing of the main line of railway of the Rhondda and Swansea Bay Railway Company shown on the deposited plans shall be opened for traffic unless and until the railways by this Act authorised between such crossing and the South Wales Mineral Railway are completed and opened for traffic.

For the protection of Rhondda and Swansea Bay Railway Company.

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

(1) The Company shall not enter on or interfere with the railways of the Rhondda Company or any of them 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 Rhondda Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the engineer for the time being of the Rhondda 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 Rhondda 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 between the undermentioned points the Company shall be bound by and conform to the following provisions and where in this section distances from the commencement of Railway (No. 1) are referred to such distances shall be deemed to be measured along the centre line of Railway (No. 1) as shown on the deposited plans from the commencement thereof:—

(A) The Company shall not deviate to the northward from the centre line shown on the deposited plans where Railway (No. 1) is intended to cross the main line of the

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- railway of the Rhondda Company without the consent in writing of that company under their common seal ;
- (B) Within two months from the passing of this Act the Rhondda Company shall give to the Company notice whether or no and if so to what extent they propose to raise the level of their main line of railway where Railway (No. 1) is intended to cross the same and Railway (No. 1) where the same is intended to cross the main line of railway of the Rhondda Company shall be carried over that railway and the railway leading to the Tewgoed Tramway by means of a bridge of a single span of not less than 70 feet measured on the square and having throughout a clear headway above the proposed level of the said main line of not less than 14 feet 3 inches and if the Rhondda Company do not give such notice as aforesaid the Company shall not deviate Railway (No. 1) from the centre line of that railway as shown on the deposited plans at such point of crossing ;
- (C) The Company shall not interfere with the colliery sidings situate to the northward of the main line of the Rhondda Company between the points respectively distant two miles four furlongs and four chains and two miles seven furlongs and two chains from the commencement of Railway (No. 1) or with the connexions thereof with the railways of the Rhondda Company except so far as may be reasonably necessary for the purpose of constructing Railway (No. 1) and shall if any such interference be necessary reconstruct the same so as to afford as convenient a connexion between the same and the railways of the Rhondda Company ;
- (D) Between the points distant respectively 3 miles and 3 miles and 14 chains from the commencement of Railway (No. 1) the Company shall if required by the engineer of the Rhondda Company construct to his reasonable satisfaction between their works and the railway of the Rhondda Company and for ever after maintain to the like satisfaction retaining walls and such underpinning and other works as such engineer may reasonably require for the purpose of ensuring the stability of and preventing injury to the railway of the Rhondda Company ;
- (E) The Company shall not at any point deviate the line of Railway (No. 1) so as to encroach upon or narrow the bed of the River Avon or divert the course of that river so as in any such case to cause any damage or injury to the railway or property of the Rhondda Company ;

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- (f) The Company shall carry Railway (No. 1) over the railway of the Rhondda Company leading to the Tewgoed Tramway and over the branch railway leading to the Cwmavon Works by means of bridges having in each case a headway throughout above the existing level of the rails of not less than 14 feet 3 inches and being of a single span in case of the first-named railway of not less than 25 feet and in case of the last-named railway of not less than 14 feet measured on the square;
- (g) All bridges and crossings of railways and works hereinbefore provided for shall be effected in such manner as not to injure the railways and works crossed in any way whatever and no piers or supports shall be placed upon any property of the Rhondda Company;
- (h) The Company shall not interfere with the interchange sidings at Ynysdafyd or the connexions thereof with the railways of the Rhondda Company and the branch railway leading to such sidings from the Cwmavon Works except so far as may be necessary for the purpose of carrying Railway (No. 1) over the same by means of a bridge having a headway of not less than 14 feet 3 inches and the Company shall if any interference be necessary reconstruct the said sidings or connexions and branch railway so as to afford as convenient a connexion between the same and the railway of the Rhondda Company as now exists;
- (i) The Company shall if at any time required so to do by the Rhondda Company at such point in the property of the Rhondda Company numbered on the deposited plans 87 in the parish of Margam as the engineer of the Rhondda Company shall select construct and for ever after maintain over their railway for the use of the Rhondda Company a bridge of a width between the parapets of not less than 25 feet. Such bridge shall be constructed so that any railway sidings to be constructed thereover by the Rhondda Company may be on such level as the engineer of the Rhondda Company may require not being less than 16 feet and 6 inches or more than 27 feet above the level of Railway (No. 1) as shown on the deposited sections and the Company shall not deviate from the centre line of Railway (No. 1) as shown on the deposited plans so as to bring that railway nearer to the railway of the Rhondda Company or beyond the left bank of the River Avon where it passes through such property:

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(3) Should it be necessary in constructing Railway (No. 1) or in consequence of the construction thereof for the Rhondda Company to alter or remove the signals telegraph posts and wires on or connected with their railways respectively or some of them at or near to the said respective crossings the Company shall bear and on demand pay to the Rhondda 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 signals telegraph posts and wires therefor :

(4) The Company shall bear and on demand pay to the Rhondda Company the reasonable expense of the employment by them during the making of Railway (No. 1) over and adjacent to the Rhondda Company's railways of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways and works and the conduct of the traffic thereon 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 :

(5) Notwithstanding anything in this Act contained the Company shall be from time to time responsible for and make good to the Rhondda 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 persons in their employ or of their contractors and the Company shall effectually indemnify and hold harmless the Rhondda 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 bridges and other works by which Railway (No. 1) shall be carried over the railways herein-before referred to and all works which they are by this section required to construct affecting the railway of the Rhondda 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 Rhondda Company and if and whenever the Company

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fail so to do after one month's notice from the Rhondda Company for that purpose or in case of urgency without notice the Rhondda 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 Rhondda Company from the Company in any court of competent jurisdiction :

(7) In constructing Railway (No. 1) the Company shall not in any way obstruct or interfere with the traffic passing along any of the railways and sidings of the Rhondda 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 sidings of the Rhondda Company or any of them so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall make good to the Rhondda Company any loss they may sustain by reason of any such obstruction or interference :

(8) Except so far as necessary for the purpose of constructing Railway (No. 1) over the railways and lands of the Rhondda Company the Company shall not take or acquire any land of the Rhondda 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 Rhondda Company or to alter vary or interfere with the railways sidings or works of that company further or otherwise than is necessary for the construction and maintenance of Railway (No. 1) without the consent in writing in every instance for that purpose first had and obtained of the Rhondda Company under their common seal and with respect to any lands of the Rhondda Company which the Company are by this Act authorised to purchase take use enter upon or interfere with for the purpose of such crossings 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

Consolidation Act 1845 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: A.D. 1896.

(9) The Company shall pay to the Rhondda 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 land otherwise than by agreement:

(10) If any dispute shall arise between the Rhondda 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 Board of Trade the costs of such arbitration to be in the discretion of such arbitrator.

15. The running powers which by paragraph 4 of the heads of agreement set out in the Sixth Schedule to the Act of 1894 are secured to the Rhondda and Swansea Bay Railway Company shall extend to Railway (No. 4) by this Act authorised and such agreement shall be read and have effect accordingly. Railway (No. 4) to be included in running powers agreement of 1894.

16. For the protection of the South Wales Mineral Railway Company (in this section called "the mineral company") and the Glyncorwg Colliery Company Limited the following provisions shall have effect (that is to say):— For the protection of the South Wales Mineral Railway Company and the Glyncorwg Colliery Company Limited.

(1) The junction of Railway (No. 2) with the South Wales Mineral Railway shall be made at such point within the limits of deviation for the said Railway (No. 2) as shall be agreed on between the Company and the mineral company:

(2) The plans and sections for the said junction and the works in connexion therewith shall be submitted a reasonable time before any works are commenced to the engineer acting for the mineral company and the Glyncorwg Colliery Company and the said junction and works shall be carried out in accordance with such plans and sections as agreed upon between the said engineer and the engineer of the Company:

(3) In case of any difference arising between such engineers as to the plans or sections or as to the proper mode of carrying out such junction and works such difference shall be settled by an engineer to be appointed by the Board of Trade at the request of either party and the decision of such engineer shall be final:

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(4) The cost and expenses of forming the said junction and constructing the works in connexion therewith and of erecting all signals necessary for the said junction shall be paid wholly by the Company and one half of the expense of maintaining the said junction and of maintaining and working the said signals and of maintaining the rails upon that portion of the railway of the mineral company between the said junction and the junction with the Whitworth Railway shall also be paid by the Company. If any dispute shall at any time arise between the Company and the mineral company or the Glyncoerrwg Colliery Company concerning any of the matters in this subsection contained such dispute shall be referred to an arbitrator to be nominated (failing agreement) by the Board of Trade at the request of either party and the provisions of the Arbitration Act 1889 and of any statutory modification thereof for the time being in force shall apply to such arbitration.

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

17. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of five thousand seven hundred and seventy-two 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 one of the railways so originally proposed is not authorised by this Act and seven hundred and fourteen pounds of the said sum is attributable to that railway. And whereas five thousand and fifty-eight pounds of the said sum of five thousand seven hundred and seventy-two pounds 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 same for the conveyance of goods 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 so

open any portion of the said railways then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways 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 railways so opened bears to the entire length of the railways 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.

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18. 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.

Application
of deposit
fund.

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Providing
for release of
portion of
money
deposit.

19. The High Court may at any time after the passing of this Act on the application of the depositors order that the sum of seven hundred and fourteen 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.

Company not
liable to
repair sur-
face of road
gradient of
which is not
increased.

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.

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

21. 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 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.

22. 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. A.D. 1896.

23. 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. Power to take easements &c. by agreement.

24. 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. Period for compulsory purchase of lands.

25.—(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— Restrictions on displacing persons of labouring class.

(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

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A.D. 1896. 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 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 subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government 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.

(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

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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.

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

26. 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 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

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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.

Power to acquire additional lands by agreement.

27. 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 ten 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 land so taken.

Power to acquire Whitworth Railway.

28. Subject to the provisions of this Act the Company may acquire by agreement the Whitworth Railway and all lands buildings bridges sidings junctions approaches property and rights powers and privileges connected therewith and they may utilise the said railway or any part thereof and the before-mentioned matters appurtenant thereto or exercisable therewith 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 Whitworth Railway it shall for the purposes of tolls rates and charges be part of the undertaking of the Company.

Power to Company to purchase lands forming site of

29. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement the site of

so much of the said Whitworth Railway as is constructed on land belonging or reputed to belong to Sir William Thomas Lewis which site is delineated on the deposited plans and described in the deposited books of reference.

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 ———
 portion of
 Whitworth
 Railway.

30. The Company may by agreement purchase from the Whitworth Company all the estate and interest of the Whitworth Company in the Blaen Avon Railway or the sites thereof belonging to that company on either side of the Cwm-gwen-ffrwd.

Company
 may purchase
 by agreement
 other railways
 of the Whit-
 worth Com-
 pany.

31. The Company on the one hand and the South Wales Mineral Railway Company and the Whitworth Company or either of those companies on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

Power to
 enter into
 working
 agreements
 with the
 South Wales
 Mineral
 Railway
 Company and
 Whitworth
 Company.

The maintenance and management of the South Wales Mineral Railway and the Whitworth Railway or either of those railways or any part thereof respectively and of the works connected therewith or any of them ;

The use or working of those respective railways or of any part thereof respectively and the conveyance of traffic thereon ;

The regulation collection transmission and delivery of traffic coming from or destined for the undertakings of the contracting companies ;

The fixing collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic ;

The supply under any agreement for the South Wales Mineral Railway or the Whitworth Railway or any part thereof respectively being worked and used by the Company of rolling stock and plant necessary for the purposes of such agreement ;

The employment of officers and servants for the conveyance and conduct of traffic and all incidental matters.

32. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use by the Company of the South Wales Mineral Railway the railways of the contracting companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on the railway of the South Wales Mineral Company the Company shall be

Short dis-
 tance charge
 in case of
 working
 agreement
 where rates
 and charges
 fixed with
 reference to
 existing Rates
 and Charges

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Order of
another
company.

deemed to be a company connected with the South Wales Mineral Company as if they were specified in the appendix to the schedule to the Railway Rates and Charges No. 18 (Taff Vale Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 18 (Taff Vale Railway &c.) Order Confirmation Act 1892.

ADDITIONAL
CAPITAL.
Power to
raise addi-
tional capital.

33. 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 one hundred and twenty 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.

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

34. 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.

Qualifications
of new shares
or stock.

35. 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.

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

36. 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
borrow on
mortgage.

37. The Company may in respect of the additional capital of one hundred and twenty 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 forty

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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 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 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.

38. 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 and 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.

39. 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

Interest not to be paid on calls paid up.

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- A.D. 1896. calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.
- Power to apply corporate funds to purposes of Act. **40.** 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. **41.** 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. **42.** 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.
- Receipt in case of persons not sui juris. **43.** 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.
- Deposits for future Bills not to be paid out of capital. **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.
- Provision as to general Railway Acts. **45.** Nothing in this Act contained shall exempt any Company named in this Act or the railways of any such company 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.
- Costs of Act. **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.

The SCHEDULE referred to in the foregoing Act. A.D. 1896.

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Parish.	Numbers on deposited Plans.																											
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