CHAPTER xc.

A.D. 1888.

An Act to empower the Owner of the Aberpergwm Estate in the County of Glamorgan to construct Bridges across the Neath Canal and for other purposes. [5th July 1888.]

WHEREAS by an Act passed in the thirty-first year of the reign of His late Majesty King George the Third (in this Act called "the Act of 1791") intituled "An Act for making and maintaining "a canal or navigable communication from or near a certain place "called Abernant in the county of Glamorgan to and through a "certain place called the brick field near Melincrythan Pill into the "River Neath near the town of Neath in the same county" the Company of Proprietors of the Neath Canal Navigation (in this Act called "the Company") were incorporated and were authorised to make the said canal (in this Act called "the canal") and to exercise the other powers conferred by the said Act:

And whereas by section 9 of the said Act all persons seised or possessed of freehold or copyhold estates of one hundred pounds per annum within the county of Glamorgan and all persons residing in the said county having personal estates of the value of two thousand pounds were appointed Commissioners (in this Act called "the Commissioners") for settling determining and adjusting all questions matters and differences which should or might arise between the Company and the several proprietors of and persons interested in any lands tenements and hereditaments that should or might be affected or prejudiced by the execution of any of the powers granted by the said Act and by section 22 provision was made for the appointment of a committee (in this Act called "the Committee") to manage the affairs of the Company:

And whereas by section 51 of the said Act the Company were required at their own proper charge to make and from time to time maintain and support (inter alia) all such bridges over the canal and the feeders trenches and aqueducts communicating therewith and

A.D. 1888.

the towing-paths on the sides thereof of such dimensions and in such manner as the Commissioners should from time to time judge necessary and appoint for the use of the owners and occupiers of the lands grounds mills and hereditaments adjoining the said canal feeders trenches aqueducts and towing-paths or any of them respectively:

And whereas by section 52 of the said Act it was further provided and enacted that if the owners or occupiers of any lands or hereditaments through which the canal should be made should at any time or times thereafter find that any of the bridges or other conveniences over the said canal or the towing-paths aqueducts or feeders belonging thereto which the Commissioners should have directed or appointed to be made by the Company as aforesaid were insufficient either in number or situation for the commodious use and occupation of their respective lands grounds mills or hereditaments then and in every such case it should be lawful for any of such owners or occupiers with the consent and approbation of the Committee upon request made to them for that purpose or in case of their refusal for the space of twenty-one days after such request then with the consent and approbation of the Commissioners to make fix and erect at their own costs and charges such bridges or other conveniences of the same or the like construction with those made and erected by the Company in such places as should be found and judged most necessary and convenient for the better use or occupation of such lands and to repair and support the same at their own like costs and charges as occasion should require so as the navigation of the canal be not prevented or obstructed thereby for any longer space of time or in any other manner than the doing of such works would necessarily require:

And whereas Morgan Stuart Williams is or claims to be the tenant for life in possession of a certain estate known as the Aberpergwm Estate in (amongst others) the parishes of Cadoxton-juxta-Neath and Glyncorwg in the county of Glamorgan which estate is intersected by the canal and it is necessary for the commodious use and occupation of the said estate and for the better development of the mines of coals and other minerals therein that additional bridges should be constructed across the said canal for the purpose of facilitating communication between the estate and the railway of the Great Western Railway Company:

And whereas the Committee have refused to permit the construction of such additional bridges and no practicable means now exist of ascertaining who are Commissioners under the Act of 1791 or of obtaining their consent to the construction thereof in accordance with the section 52 of the Act of 1791 herein-before recited and

the owner of the said estate is thereby deprived of the protection and benefit intended to be afforded by that section:

And whereas the development of the said estate by the construction of the said bridges would be of public and local advantage and it is expedient that provision should be made as herein-after contained for authorising the construction of such bridges:

And whereas plans and sections showing the lines and levels of the bridges 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 said Morgan Stuart Williams is or claims to be tenant for life in possession of all the lands shown on the deposited plans and described in the deposited book of reference except those belonging to certain turnpike road trustees and to the Company:

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

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

Short title.

1. This Act may be cited as the Aberpergwm Estate (Bridges) Act 1888.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the undertakers" means the said Morgan Stuart Williams his heirs or assigns or successors in title for the time being owners or beneficially entitled to the possession or to the receipt of the rents and profits of the said Aberpergwm Estate the expression "the undertaking" means the bridges by this Act authorised 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

A.D. 1888

wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Power to undertakers to take lands for purposes of Act.

4. Subject to the provisions of this Act the undertakers may from time to time enter upon take use and appropriate to or for the purposes of this Act or connected therewith all or any of the lands and buildings delineated upon the deposited plans and described in the deposited book of reference and lying within the limits of deviation shown upon those plans.

Correction of errors in deposited plans and book of reference.

5. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown upon the deposited plans or described in the deposited book of reference the undertakers after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices for the county of Glamorgan assembled and acting together for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in the certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

Deposit of certificate of correction.

6. The certificate of the justices shall be deposited with the clerk of the peace for the county of Glamorgan and a duplicate thereof with the parish clerk of the parish in which the lands in question lie and the certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the undertakers may execute the works in accordance with the certificate.

Power to owners to grant easements.

7. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the undertakers any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

8. The powers of the undertakers for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Restriction on displacing persons of labouring class.

9. The undertakers shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression "labouring class" includes mechanics artizans 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 of such persons who may be residing with them.

Undertakers may execute works.

10. Subject to the provisions of this Act the undertakers may make and from time to time repair and maintain the bridges hereinafter described with all proper piers abutments walls embankments and other works and conveniences in connexion therewith and so far as the same are shown on the deposited plans and sections in the lines and according to the levels shown on those plans and sections that is to say :—

(1.) A bridge in the parish of Cadoxton-juxta-Neath in the county of Glamorgan commencing on the northern side of the private basin at the Aberpergwm Coal Wharf and terminating on the southern side of the turnpike road from Neath to Merthyr Tydfil along the south side of the canal ;

(2.) A bridge in the parish of Glyncorwg in the said county of Glamorgan commencing on the north-western side of the canal at or near the southern end of the Pwllfaron Coal Wharf and terminating on the south-eastern side of the towing-path of the canal opposite the said wharf.

Power to deviate laterally.

11. In making the bridges by this Act authorised the undertakers may deviate from the lines thereof delineated on the deposited plans Provided that no such deviation shall extend to a greater distance than the limits of deviation delineated on the said plans nor shall such deviation extend into the lands of any person whose name is not mentioned in the deposited book of reference unless the name of such person shall have been omitted by mistake and the fact that such omission proceeded from mistake shall have been certified in manner herein-before provided for in cases of unintentional errors in the said book of reference.

Power to deviate vertically.

12. The undertakers may deviate from the levels shown on the deposited sections to any extent not exceeding three feet but not so

A.D. 1888.

as to reduce the headway under the said bridges as shown on the said sections.

Limiting period for completion of bridges.

13. The bridges by this Act authorised shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Canal not to be obstructed.

14. During the making and repairing of the bridges and the works connected therewith the undertakers shall take all precautions and provide all works and conveniences proper and sufficient for keeping the navigation of the canal free from all obstruction except only such obstruction as is unavoidable and if and whenever the undertakers make or occasion any obstruction they shall make to all persons interested full compensation for all loss damage or injury thereby occasioned.

Not to damage the canal.

15. If by reason of or the failure of any acts works operations or proceedings of or of any neglect or omission by or on the part of the undertakers or their contractors or their or either of their agents servants or workmen the canal or its works or any of the lands or property belonging to the Company shall be damaged or injured or the traffic on the canal impeded whether during the execution or after the completion of such works the undertakers shall forthwith make good any such damage or injury and remove ~~and remedy any such interference obstruction or impediment and~~ make full compensation to the Company for any such damage or injury as they may sustain by reason of any such works operations proceedings failure neglect or omission but in case of emergency happening and of which emergency the Company shall be the sole judges they may themselves make good any such damage or injury and do and execute such necessary acts and works as they may think fit for remedying any such damage obstruction or impediment but in all things at the expense of the undertakers and may recover from the undertakers all such compensation and expenditure with full costs Any disputes or differences which may arise between the Company and the undertakers with reference to any of the matters or things herein-before provided for save as to the question of emergency shall be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act 1845 with reference to the settlement of questions of disputed compensation.

Power to charge Aberpergwm Estate with expenses.

16. Any money not exceeding in the whole three thousand five hundred pounds required for the purpose of defraying the cost of works authorised by this Act and for defraying the costs charges or expenses properly incurred of or incidental to the obtaining and

passing of this Act as taxed by the taxing officer of the House of Lords or the House of Commons may be raised by mortgage of all or any part of the said Aberpergwm Estate in like manner in all respects and with all the like incidental powers and provisions as to the execution of the mortgage and the person or persons who are to make and execute the same and to raise the money required and who are to receive and give a discharge for and to apply the mortgage money and for exonerating the persons making the advance from being bound to inquire as to the amount required to be raised or the propriety of the mortgage or otherwise as by the Settled Land Act 1882 is authorised and provided with respect to the raising of money required for enfranchisement or for equality of exchange or partition and all money raised by mortgage under the power conferred by this Act shall be deemed capital money arising under the Settled Land Act 1882 and shall be applied accordingly.

Sinking fund.

17. The undertakers shall yearly and in every year during the term of twenty-five years from the date of any mortgage made under the provisions of this Act and in addition to keeping down the interest on the mortgage debt pay to the trustees appointed for the purposes of this Act a sum equal to one twenty-fifth part of the principal sum raised by the mortgage and the money so paid to such trustees shall be applied and disposed of by them as capital money arising under the Settled Land Act 1882 from the Aberpergwm Estate.

Annual sum not to be deemed a rentcharge.

18. The annual sum so payable for twenty-five years shall not be deemed a rentcharge created with the object of paying off money advanced for the purpose of defraying the expenses of an improvement within the meaning of the Settled Land Act 1887 so as to enable capital money under that Act to be applied in redeeming the same.

Appointment of trustees.

19. The Honourable Robert Thomas Brudenell Bruce commonly called Lord Robert Thomas Brudenell Bruce of sixty-seven Eaton Place in the county of Middlesex John Warren of ninety-five Lancaster Gate in the same county and Richard Pennington of sixty-four Lincoln's Inn Fields in the same county solicitor are appointed trustees of the said Aberpergwm Estate for the purposes of this Act.

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