CHAPTER ccvi.

An Act to enable the Barry Railway Company to construct a new Dock new Railways a Tramroad and other works and for other purposes. [24th August 1893.]

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WHEREAS the Barry Railway Company (in this Act called "the Company") have completed and opened the dock and railways authorised by the Barry Dock and Railways Act 1884 (herein-after called "the Act of 1884") which works have been of great benefit to the trade and business of the districts served by the Company:

47 & 48 Vict. c. cclvii.

And whereas owing to the rapid increase of business and commerce at Barry Dock and in the districts served by the Company's undertaking it is expedient that the Company should be empowered to provide additional dock accommodation at Barry and to construct certain railways and tramroads in connexion therewith and to purchase land for purposes connected with their undertaking:

And whereas plans and sections showing the lines and levels of the dock works railways and tramroads 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 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:

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 1893.

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Incorporation of General Acts.

2. The following Acts and parts of Acts 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 ;

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

The Harbours Docks and Piers Clauses Act 1847 :

Provided always that for the purposes of this Act the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force except so far as may from time to time be required by the Board of Trade and that section 29 of the said Act shall not apply in the case of any of the vessels comprised in the first second third or fourth classes in the Second Schedule to the Act of 1884 entering within the dock works by this Act authorised :

Sections 3 and 19 and Parts II. and III. of the Tramways Act 1870 :

Provided that Parts II. and III. of the Tramways Act 1870 shall apply only to so much of the tramroads by this Act authorised as will be constructed in the public street or road.

Extending certain provisions of Companies 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 the 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.

Interpretation.

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:

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

The expression "the railway" means the railways and the expression "the tramroad" means the tramroads by this Act authorised:

The expression "the dock works" means the new dock and entrance thereto and other works connected therewith 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 In and for the purposes of so much of the Tramways Act 1870 as is incorporated with this Act the expression "the tramway" means so much of the tramroad as is intended to be or will be made on the public road.

Power to make new dock railways and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the dock railways and other works shown on the deposited plans together 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 works herein-before referred to and authorised by this Act are—

A dock to be situate in the parishes of Cadoxton-juxta-Barry and Sully in the county of Glamorgan within an area bounded on the north and north-west by the Company's main line of railway from Cadoxton to Barry Dock on the south-west by their dock basin and entrance on the south by the dam and works authorised by the Barry Dock and Railways Act 1888 and on the south-east by the Cadoxton Brook:

An entrance to the dock herein-before described from the north-eastern corner of the Company's existing dock:

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A diversion in the said two parishes of the watercourse known as the Cadoxton Brook or the Cadoxton River commencing at a point therein 66 chains or thereabouts measured in a straight line in a north easterly direction from the house situate in the parish of Cadoxton-juxta-Barry near the Cadoxton River known as Mill Cottage and terminating in the existing Cadoxton Brook near the sluice-gates at which it passes into the sea:

A railway (No. 1) 6 furlongs 7·25 chains or thereabouts in length in the parish of Cadoxton-juxta-Barry commencing by a junction with the main line of the Company's railway at a point 14 chains or thereabouts south-westward of the Cadoxton Station and terminating by a junction with the Company's existing railway leading to the north quay of the existing dock at a point nearly opposite the centre of the graving dock:

A railway (No. 2) 1 mile 5 furlongs 6·25 chains or thereabouts in length in the parishes of Cadoxton-juxta-Barry St. Andrew's Major and Sully commencing by a junction with the said proposed Railway No. 1 at a point between the existing timber-pond and the main line of the Company's railway 7 chains or thereabouts south-west of the northern corner of the said timber-pond and terminating by a junction with the Company's existing railway at a point 4 chains or thereabouts measured in a north-easterly direction from the point where the said railway crosses the passage leading from the basin to the existing dock.

Power to make tramroads.

6. Subject to the provisions of this Act (and to the provisions of Parts II. and III. of the Tramways Act 1870 so far as the tramroads will be constructed in a public street or road) the Company may make form lay down work use and maintain the tramroads herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose.

The tramroads herein-before referred to and authorised by this Act are—

A tramroad (No. 1) 1 mile 1 furlong 0·87 chains in length (of which 2 furlongs 0·37 chains are double and 7 furlongs 0·50 chains are single line) situate in the parishes of Barry Merthyr Dovan and Sully in the county of Glamorgan and commencing in the parish of Barry at a point where the

Company's approach road to the Barry Station joins the road leading to Barry Harbour and terminating in Paget Road near the beach of Whitmore Bay on Barry Island in the parish of Sully:

A tramroad (No. 2) 3 furlongs 3·75 chains in length (of which 8·75 chains are double and 2 furlongs 5 chains are single line and of which tramroad 2 furlongs and 5 chains will be on the public road) situate wholly on Barry Island in the said parish of Sully and commencing by a junction with Tramroad No. 1 before described at the junction of Paget Road and Plymouth Road and terminating in the said Plymouth Road near the hotel now in course of erection in the said Plymouth Road at the corner of Hewell Road.

Power to purchase additional lands.

7. 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 the lands herein-after described so far as the same are delineated on the deposited plans and described in the deposited book of reference viz.:—

Lands in the parish of Cadoxton-juxta-Barry situate at Cadoxton immediately south-east of the Penarth Branch Railway where it joins the Company's main line railway and which lands lie immediately to the west of the road in the said parish crossing the said Penarth Branch Railway and leading from the Cadoxton Sheeping Moors to Wenvoe:

Provided that nothing herein contained shall authorise the Company to enter upon take or use the properties numbered on the said plans 108 108a 108b 109 109a and 109b in the said parish without the consent of the lessees thereof:

Lands and buildings in the parish of Llantwit Fardre situate near Albert Road and Kirkhouse Street Pontypridd and on both sides of the Company's main line of railway and immediately north of the said Albert Road where the said road crosses the said railway and between the said Albert Road and the tramway leading from Crawshay's Colliery to the Taff Vale Railway at Pontypridd which tramway passes under the Company's Gelliwion Viaduct:

Lands in the parish of Llantrissant in the county of Glamorgan on the southern side of and adjoining the Company's main line from a point opposite Maes-y-coed House in the occupation of Mary Morgan and extending in a westerly direction to a point opposite the occupation level crossing over the Company's main line leading to the Victoria Brick Works:

Lands in the said parish of Llantrissant on the northern side of and adjoining the Company's main line from a point 100 yards

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or thereabouts measured along the said main line from the centre of the bridge carrying the said main line over the Parish Road nearly opposite the before-mentioned Maes-y-coed House extending in a westerly direction to a point 157 yards or thereabouts measured along the said main line from the said occupation level crossing passing over the said main line and leading to the said Victoria Brick Works:

Lands at or near the termination of the Company's main line at Hafod and situate in the said parish of Llantrissant and in the parish of Llanwonno in the said county of Glamorgan on the southern side of and adjoining the Company's main line and the Rhondda Fawr Branch of the Taff Vale Railway and lying between the eastern end of the bridge carrying the Company's railway over the River Rhondda and a point opposite the east end of Morgan Street Hafod in the said parish of Llanwonno:

Provided that nothing herein contained shall authorise the Company to enter upon take or use the properties numbered on the deposited plans 2 3 4 and 5 in the parish of Llanwonno.

Application of purchase-money for common land.

8. The money to be paid by way of purchase-money and compensation in respect of any common land in the parish of Cadoxton-juxta-Barry taken by the Company under the powers of this Act shall be laid out in the purchase of additional lands to be added to and form part of Cadoxton Common or in the improvement of that common or other public work for the benefit of the district as may be determined by a resolution to be passed by the commoners of the said parish in manner prescribed by the Commonable Rights Compensation Act 1882.

Limiting common land to be taken.

9. Notwithstanding anything in this Act or on the deposited plans the Company shall not under the powers conferred upon them by this Act purchase and take any greater quantity of the common known as Cadoxton Common than half an acre.

Lands for extra-ordinary purposes.

10. 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.

Period for compulsory purchase of lands.

11. 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.

Penalty unless railway is

12. If the Company fail within the period limited by this Act to complete any of the railways by this Act authorised 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 opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts 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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opened within the time limited.

13. 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 railways in respect of which the penalty has been incurred 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

Application of penalty.

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creditors thereof and subject to such application shall be repaid to the Company.

Penalty imposed unless tramroad opened within limited time.

14. If the Company fail within the period limited by this Act to complete the tramroad and to open the same for public traffic 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 tramroad is completed and opened for public traffic or until the sums received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted tramroad and the said penalty may be applied for as regards so much of the tramroad as is not intended to be made upon the public road 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 as regards so much of the tramroad as is intended to be made upon the public road by any road authority claiming to be compensated in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 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 the tramroad 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.

Application of penalty.

15. 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 as follows viz.:—

In so far as it has been recovered in respect of any part of the tramroad not intended to be made upon the public road—

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 portion of tramroad 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 for the purpose of such tramroad conferred upon the Company by

this Act and for which injury or loss no compensation or inadequate compensation has been paid :

And in so far as it shall have been recovered in respect of so much of the tramroad as is intended to be made upon the public road—

Towards compensating any road authority for the expense incurred by them in taking up any such tramroad or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority and in making good all damage caused to such road by the construction or abandonment of such tramroad :

And such money 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 shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 tramroad or any part thereof has been abandoned be paid 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 to the Company.

Period for completion of works.

16. If the respective works by this Act authorised are not completed within the respective periods herein-after mentioned then on the expiration of those respective periods the powers by this Act granted for making and completing the respective works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed (that is to say) :—

(*a.*) As regards the dock works and Railways Nos. 1 and 2 and the Cadoxton Brook Diversion eight years from the passing of this Act :

(*b.*) As regards the other works three years from the passing of this Act.

Power to take easements &c. by agreement.

17. 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) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to

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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.

As to dock tolls &c.

18. The Company may demand and take in respect of the dock works by this Act authorised the same tolls and charges as they are for the time being authorised to receive for and in respect of the dock works authorised by the Act of 1884 as if the dock works by this Act authorised were part of the dock works authorised by that Act.

The Company may exercise the same powers and privileges in respect of the dock works authorised by this Act as they are for the time being authorised to exercise under any Act in respect of the dock works authorised by the Act of 1884.

Railways to form part of Barry Railway.

19. The new railways and the works connected therewith respectively 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.

Inspection of tramroad by Board of Trade.

20. The tramroad shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

As to part of tramroad on public road.

21. In so far as the tramroad will be made on any public road the following provisions shall apply viz. :—

(1.) The provisions of Parts II. and III. of the Tramways Act 1870 shall apply to the portion of tramroad so constructed:

Tramroad to be kept on level of surface of road.

(2.) If and whenever after the passing of this Act any road authority alters the level of any public road under their jurisdiction along or across which any part of the tramroad is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered:

Further provisions as to construction of tramroad.

(3.) In addition to the requirements of section twenty-six of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any part of the tramroad lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramroad and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any part of the tramroad until such plan and statement have been approved by the Board of Trade and after such

approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act:

As to rails of tramroad.

(4.) The rails of the tramroad shall be such as the Board of Trade may approve:

Penalty for not maintaining rails and roads.

(5.) The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramroad and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section twenty-eight of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section fifty-six of the said Act:

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramroad or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this sub-section contained or with any of the requirements of section twenty-eight of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed:

Sanitary authority to have access to sewers.

(6.) Every sanitary authority shall at all times have free access to and communication with all their sewers and drains across or under such portion of the tramroad and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water:

Company may be required to use improved form of rail.

(7.) The Board of Trade may from time to time upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramroad

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including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements:

Passing places to be constructed where less than a certain width left between footway and tramroad.

(8.) Where in any road in which a double line of tramroad is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramroad than nine feet six inches the Company shall and they are hereby required to construct a passing place or places connecting the one tramroad with the other and by means of such passing place or places the traffic shall when necessary be diverted from one tramroad to the other:

Power to make additional crossings &c.

(9.) The Company may subject to the provisions of this Act with the consent of the local authority and road authority from time to time make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramroad or for providing access to any warehouses stables or carriage-houses or works of the Company Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under their hand addressed to the Company express their objection thereto:

Application of road materials excavated in construction of works.

(10.) Any paving metalling or material excavated by the Company in the construction of the tramroad from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the re-instating of the road and the maintenance for six months after completion of any of the tramroads within the district of such road authority of so much of the roadway on either side of such tramroad as the Company are by section twenty-eight of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such

surplus is not removed by such surveyor or by some other person named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to differences between the promoters and any road authority.

Carrying of mails by Company.

22.—(1.) The Company if required by the Postmaster-General shall perform with respect to the tramroad all such reasonable services in regard to the conveyance of mails as the Postmaster-General from time to time requires Provided as follows :—

(A.) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Company in or upon any carriage upon the tramroad (that is to say) :—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater :

(B.) Mails when carried upon the tramroad in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with :

(C.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not

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goods or parcels except in charge of an officer of the Post Office travelling as a passenger :

(d.) If the Company carry upon the tramroad goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the tramroad were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between the Postmaster-General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by the Postmaster-General may be signified by writing under the hand of any person who is at the time either the Postmaster-General or a secretary or assistant secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Railways Clauses Acts to apply to part of tramroad.

23. Except as in this Act otherwise provided the provisions of the Railways Clauses Consolidation Act 1845 and of Part I. of the Railways Clauses Act 1863 shall apply to so much of the tramroad as is not to be made on any public road.

Tolls for passengers.

24. The Company may demand and take for every passenger travelling upon the tramroad or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding twopence per mile and in computing the said rates the fraction of a mile shall be deemed a mile but the Company shall not charge more than threepence for any distance.

Passengers' luggage.

25. Every passenger travelling upon the tramroad may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

Company not to carry animals and goods.

26. The Company shall not carry on the tramroad any goods animals or other things other than passengers and passengers'

luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

Gauge of tramroad.

27. The tramroad shall be constructed on a gauge of three feet and six inches Provided always that so much of section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramroad.

Carriages may be moved by animal steam or mechanical power.

28. The carriages used on the tramroad may subject to the provisions of this Act be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by steam power or any mechanical power Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramroad:

Provided also that this section shall not be construed to authorise the Company to use electricity as a motive power:

Provided further that as regards the portion of Tramway No. 2 from a point shown on the deposited plans as two furlongs from the commencement to the termination thereof this Act shall not authorise the use of mechanical power at any time without the consent of the Board of Trade.

Penalty for using steam or mechanical power contrary to Act or regulations.

29. The Company or any other company or person using steam or any mechanical power on the tramroad contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company or any other company or person using steam or any mechanical power on the

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tramroad under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

30. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any part of the tramroad upon which steam or any mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

For regulating the use of the bell whistle or other warning apparatus fixed to the engine ;

For regulating the emission of smoke or steam from engines used on the tramroad ;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

For regulating the entrance to exit from and accommodation in the carriages used on the tramroad and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages ;

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramroad by the exhibition of the same in conspicuous places on the carriages and elsewhere.

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

31. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty recoverable under this Act in relation to the tramroad and to any penalty for non-observance of any byelaw relating to the tramroad made by the Board of Trade under the authority of this Act.

Amendment of the Tramways Act 1870 as to

32. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramroad shall not

authorise the local authority to make any byelaws sanctioning a higher rate of speed to be attained on the public road than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled on the tramroad on the public road under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

byelaws by local authority.

33. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of that Board.

Orders and byelaws.

34. Where the Company or any other company or person intend to use steam or any mechanical power under the authority of this Act on the tramroad or any part thereof they or he shall give two months' previous notice of such intention to every road authority within whose district the tramroad or any part thereof upon which they or he intend to use such power is situate.

As to contracts with road authorities where steam or mechanical power is to be used.

Where at the time of the giving of any such notice any contract agreement or arrangement is in force with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramroad or such part of such tramroad is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road then and in every such case with the consent of the Board of Trade it shall be lawful for the Company or such other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramroad or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramroad or any part thereof and thereafter from time to time the Company or such other company or person and every such road authority may enter into or renew with or without modification any contract agreement or arrangement with respect to the user by the Company or such other company or person or the paving and keeping in repair of the whole or any part of the roadway of any road within

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the district of such road authority upon which such tramroad or such part of such tramroad is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such other company or person as to the determination of any such contract agreement or arrangement or in case any such road authority after request in writing by the Company or such other company or person or the Company or such other company or person after request in writing by any such road authority during a period of one month after such request refuse or fail to enter into any such contract agreement or arrangement or to renew the same with or without modification or to make a new contract instead thereof or in case of any difference as to the terms of any such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure or the terms of such contract agreement or arrangement or any renewal thereof with or without modification or any new contract instead thereof shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act 1870 with respect to all differences between the Company and any road authority and thereupon the parties shall in all respects conform to such determination and make and observe any contract agreement or arrangement thereby prescribed Provided always that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramroad to which such appeal relates.

No steam or mechanical power shall be used on the tramroad unless there is in force in relation to the tramroad a contract agreement or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract agreement or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing improving and maintaining the highways within their district having regard in the first instance to the requirements of the roads upon which the tramroad is laid.

Where steam or mechanical power is

35. Where steam or any mechanical power is used by the Company or any other company or person on the tramroad or any

part thereof no contract agreement or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such other company or person or the paving or keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramroad or such part of such tramroad is laid or with respect to the payment by the Company or such other company or person to such road authority of any annual or other sum in relation to such user paving and keeping in repair of such road shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid or the making of such contract agreement or arrangement Provided always that any such contract agreement or arrangement may from time to time be renewed with or without modification or a new contract agreement or arrangement may be made instead thereof. A.D. 1893. used contract with road authority not to be for longer than two years at a time.

36. The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or 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 next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on taking houses of labouring class.

For the purposes of this section 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 such persons who may be residing with them.

37. Subject to the provisions of this Act the Company may make maintain and work in connexion with their docks railways and works or any of them all necessary or convenient graving docks pontoons floating docks locks gridirons shipbuilding-yards patent slipways shipping places sluices timber-ponds stairs sewers drains culverts pipes jetties quays sidings tramways wharves wells landing-stages coal-tips staiths drops moorings buoys dolphins slips warehouses roads ways approaches sheds buildings cranes lifts and other conveniences and machinery. Subsidiary works.

38. The Company may apply towards the construction of the dock railways tramroad and works by this Act authorised and other purposes of this Act any moneys which they are already authorised Company may apply their funds towards pur-

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poses of Act and may raise additional capital.

to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the said moneys for the purposes of this Act and for other purposes of and connected with their authorised undertaking any additional sum or sums not exceeding in the whole four hundred and eighty 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 or stock not to vest until one fifth part paid up.

39. 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.

40. 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.

41. 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 shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

42. The Company may in respect of the additional capital of four hundred and eighty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred and sixty 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 of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of

the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment of receiver.

43. Section 26 of the Barry Dock and Railways Act 1891 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.

Debenture stock.

44. 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 Act of 1884.

Former mortgages to have priority.

45. 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.

Appiication of moneys.

46. 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.

Limits within which dockmaster may exercise his authority.

47. The limits within which the powers of the dockmaster shall be exercised shall be the dock works and premises of the Company and the water area within a distance of five hundred yards from any part of the docks and works of the Company.

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Extending time for sale of certain superfluous lands.

48. The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands acquired by them under any former Act in the parishes of Barry Merthyr Dovan Cadoxton-juxta-Barry Sully St. Andrews Major Wenvoe Caerau St. Fagans Chapelry of Llaniltern Michaelstone-super-Ely St. George-super-Ely St. Brides-super-Ely Pentyrch Llantwit Fardre Llantrissant Llanwonno St. Nicholas and Peterstone-super-Ely in the county of Glamorgan which have not yet been applied to the purposes for which they were acquired or sold and which are not required for the purposes of stations sidings or other conveniences for the following periods viz. :—

(i.) As regards lands situate adjoining any railway dock work or station for the period of ten years; and

(ii.) As regards lands not so situate two years—

from the date at which but for this enactment the Company would have been required to sell and dispose of the same :

But the Company shall at the expiration of such periods of ten years and two years respectively sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of the Company as superfluous lands

Amending section 6 of Act of 1884.

49. If within five years from the passing of this Act the construction of the fort or battery mentioned in section 6 of the Act of 1884 shall have been proceeded with that section shall be read and have effect as if instead of the words "southward of the northern "boundary of the said piece of land" the words "southward of "an imaginary line coinciding with the northern boundary of the "said piece of land and prolonged in both directions as far as "high-water mark" were inserted therein.

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

50. 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.

Saving rights of the Crown in the foreshore.

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

Agreements with Vale of Glamorgan Company.

52. The Company on the one hand and the Vale of Glamorgan Railway Company on the other hand may from time to time on and subject to such terms and conditions as may be agreed between them enter into and carry into effect agreements with respect to the apportionment between themselves of the gross receipts and revenues arising from the Vale of Glamorgan Railway and the modification of any existing agreement relating thereto so as to effect a security to the Vale of Glamorgan Railway Company for interest dividend or annual or other payments in respect of the shares or stock or loans of the Vale of Glamorgan Railway Company.

Interest not to be paid on calls paid up.

53. 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.

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

54. 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.

55. Nothing in this Act contained shall exempt the Company or the Vale of Glamorgan Railway Company or the railway of either

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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 on the railways or tramroads:

Nor shall anything in this Act contained exempt the Company or the tramroad from the provisions of any general Act relating to tramroads or exempt the tramroad so far as it is on any public road from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

Costs of Act.

56. All the 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.

Brake power of engines.

Every engine used on the tramroad shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the tramroad shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the tramroad shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the local authority and may on complaint made by any person from time to time inspect any engine or carriage used on the tramroad and the machinery therein and may whenever they think fit prohibit the use on the tramroad of any such engine or carriage which in their opinion may not be safe for use on the tramroad.

As to speed.

The speed at which engines and carriages may be driven or propelled along the tramroad shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable facing-points shall not exceed the rate of four miles an hour.

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
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90, West Nile Street, Glasgow; or
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