CHAPTER ccxlii.

An Act for conferring on the Trustees and others claiming under the Will of the late Marquess of Bute power to extend their Docks and Railways at Cardiff and for other purposes. [18th August 1882.]

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WHEREAS extensive docks railways and works have been made at Cardiff in the county of Glamorgan by John Crichton Stuart Marquess of Bute now deceased (in this Act called the late Marquess of Bute) and his trustees under powers vested in him and them for that purpose and the same are now subject to the provisions of the Bute Docks Act 1865 the Bute Docks Act 1866 and the Bute Docks Act 1874: 28 & 29 Vict. c. cccxxv. 29 & 30 Vict. c. ccxcvi. 37 & 38 Vict. c. cxviii.

And whereas those docks railways and works have been of great benefit to the traders and inhabitants of the port and town of Cardiff and to the public:

And whereas the trade of the port and town is increasing and extended accommodation in the form of docks and railways and works connected therewith is required for the said trade and the providing thereof would be of local and public advantage:

And whereas by the Bute Docks Acts 1874 certain powers were conferred upon the trustees of the trust term as by that Act provided in concurrence with John Patrick Crichton Stuart the present Marquess of Bute (then and now tenant for life in possession under the said will) to extend their docks and railways at Cardiff but the construction of the works thereby authorised has not been substantially proceeded with:

And whereas the trustees now acting under the trusts created by the will of the late Marquess of Bute in concurrence with the said John Patrick Crichton Stuart the present Marquess of Bute (who are the Undertakers within the meaning of the same term in the recited Acts and are herein-after referred to as "the Undertakers") are willing at the expense of the trust estate to provide extended accommodation for the trade of the said port and town

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in the form of docks and railways and works connected therewith such as are herein-after in this Act described on being authorised so to do and on having all necessary and proper powers in that behalf conferred on them and it is expedient that they be authorised and empowered accordingly and that they should be authorised to abandon as by this Act provided the works and operations described in the Bute Docks Act 1874 and the use of such of the works constructed under the authority of the Bute Docks Act 1866 as may be rendered useless or unnecessary by the construction of the works and operations by this Act authorised or which it may be necessary to remove or alter for the construction of the same:

And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be seised of the soil of the foreshore subject to or covered by the tidal waters or some part thereof upon which the dock and works by this Act authorised or some part thereof will or may be constructed; but the Undertakers or some or one of them are or is or claim or claims to be seised of the soil of the same foreshore or some part thereof.

And whereas it is expedient that certain staiths lately erected by the Undertakers on their own lands on the eastern side of the River Taff should form part of the Undertaking authorised by the recited Acts and become subject to the provisions of the said Acts and of this Act:

And whereas it is expedient that the Undertakers should be empowered to demand and take tolls in respect of barges boats and vessels passing through the canal connecting the Glamorganshire Canal with the Bute West Dock subject to the limitations in this Act contained:

And whereas it is expedient to amend the provisions of the recited Acts with respect to the rates charges and payments which the Undertakers are thereby authorised to demand and take in relation to the matters and services therein mentioned and to the manner in which the same are to be computed and to make the said provisions so amended applicable to the docks railways and works by this Act authorised:

And whereas it is expedient that the Undertakers should be empowered to dredge scour widen and improve the channels and waters forming a means of access to the docks as by this Act provided:

And whereas it is expedient that the Taff Vale Railway Company the Rhymney Railway Company and the Great Western Railway Company or any one or more of them and all companies and persons lawfully using the railways of those companies or any of

them respectively be authorised to run over and use certain of the railways of the Undertakers:

And whereas it is expedient that the Undertakers on the one hand and the Rhymney Railway Company the Taff Vale Railway Company the Great Western Railway Company the Pontypridd Caerphilly and Newport Railway Company and the Penarth Harbour Dock and Railway Company or any one or more of the said companies on the other hand be empowered to enter into and carry into effect working and other agreements as herein-after provided:

And whereas it is expedient that the Undertakers should be empowered to let on lease any of their staiths wharves quays appliances and property to any Company or person in the manner and subject to the conditions by this Act provided:

And whereas it is expedient that the Undertakers should be relieved from the obligations imposed by the recited Acts with respect to the conveyance by them of coal coke and culm over certain of the railways by the said Acts authorised and that provisions such as are in this Act contained should be made with respect to the conveyance by the Taff Vale Railway Company the Rhymney Railway Company and the Great Western Railway Company and all other railway companies for the time being running over or using any of the railways of any of the said companies over the railways of the Undertakers of all coal coke culm steel iron iron-ore and other ore timber goods wares and merchandise exported from or imported into or by way of the docks of the Undertakers and the payments to be made in respect thereof:

And whereas it is expedient that the Acts relating to the docks railways and works aforesaid in force at the passing of this Act (that is to say) the Bute Docks Act 1865 the Bute Docks Act 1866 and the Bute Docks Act 1874 should be in divers respects amended and that certain provisions of the said Acts should be repealed:

And whereas it is expedient that the Undertakers their tenants servants and licensees should have free access from the lands of the Undertakers to such parts of a certain road constructed under the powers of the Penarth Harbour Dock and Railway Act 1861 as are situate between the Glamorganshire Canal and the River Taff and are bounded on both sides by land of the Undertakers and also a right of way over the whole of the said road and over the bridge over the River Taff constructed under the powers of the said Act and that for such purpose provisions such as are in this Act contained should be made: 24 & 25 Vict. c. cxxiv.

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And whereas a plan and sections describing the lines situations and levels of the proposed works and a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of land in the line of the proposed works or within the limits of deviation as defined on the plan and describing those lands have been deposited with the clerk of the peace for the county of Glamorgan (which are in this Act referred to respectively as the deposited plan sections and book of reference):

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

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

Short title.

1. This Act may be cited as the Bute Docks Act 1882.

Incorporation of general enactments.

2. The following enactments (as far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and shall be part of this Act (namely):

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 10 & 11 Vict. c. 27.

The Lands Clauses Consolidation Acts 1845 1860 and 1869;

The Railways Clauses Consolidation Act 1845 and Parts I. and III. of the Railways Clauses Act 1863;

The Harbours Docks and Piers Clauses Act 1847 subject to the following restrictions and provisions (that is to say);

(1) In section seventeen of the Railways Clauses Consolidation Act 1845 and in Part I. of the Railways Clauses Act 1863 the words "work" and "railway" shall be taken to extend to and include all works by this Act authorised;

(2) Section twenty-three of the Harbours Docks and Piers Clauses Act 1847 is excepted from incorporation with this Act so far as regards the vessels comprised in the first second third fourth and sixth classes in the second schedule to the Bute Docks Act 1865;

(3) The following provisions of the Harbours Docks and Piers Clauses Act 1847 shall only come into operation as parts of this Act if and when and so far as the Board of Trade from time to time so require (that is to say) the provisions with respect to life-boats and to keeping a tide and weather gauge.

Interpretation of terms.

3. In construing this Act the following words and expressions shall have the meanings hereby assigned to them respectively unless

there be something in the subject or context repugnant to such construction (that is to say):

The expression "the Undertakers" during the continuance of the trust term shall mean Henry Dudley Ryder commonly called the Honourable Henry Dudley Ryder and Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot and Frederick Pitman and the survivors or survivor of them and other the persons or person who from time to time are or is the trustees or trustee of the trust term as by the Bute Docks Act 1874 defined and from and after the determination of that term shall mean the person or persons who from time to time is or are under the limitations of the will of the late Marquess of Bute entitled in possession to the rents issues and profits of the Docks and works thereby devised as aforesaid;

The expression "dock" shall include any of the docks of the Undertakers under the Bute Docks Acts as herein-after defined of any kind whether floating docks tidal docks graving docks dry docks basins or other works for the reception and repair of vessels and shall include harbours locks ponds and cuts and the expression "the docks" shall include every dock;

The expression "steam crane" shall include hydraulic cranes and cranes worked by electricity or any other power whatsoever;

The several words and expressions to which meanings are assigned by the enactments wholly or partially incorporated herewith shall have in this Act the same respective meanings Provided always that the expressions "the promoters of the undertaking" and "company" shall respectively include the Undertakers and that for the purposes of this Act the term "superior court" or "court of competent jurisdiction" in this Act or any enactment wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

Limits of Act.

4. Save as by this Act expressly provided the limits of this Act are the parishes of Saint John the Baptist and Saint Mary the Virgin Cardiff and the parish of Roath all in the county of Glamorgan and all lands to the seaward of the boundaries of the said parishes of Saint Mary the Virgin Cardiff and Roath which may be embanked or reclaimed under the authority of this Act.

Construction and effect of Act.

5. The Bute Docks Act 1865 the Bute Docks Act 1866 and the Bute Docks Act 1874 as respectively amended by any subsequent

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Act and by this Act shall be construed together and the same shall be read and have effect with this Act as one Act and (except as is by this Act otherwise provided) as if the docks railways works and lands of the Undertakers under this Act were part of their docks railways works and lands under the two first mentioned of the said Acts and the said Acts and this Act are in this Act referred to and may be cited together for all purposes as "the Bute Docks Acts."

Undertakers to be deemed a Railway Company. 22 & 23 Vict. c. 59.

6. For the purposes of any arbitration under the Railway Companies Arbitration Act 1859 as made applicable to this Act the Undertakers and any person or persons being or entitled to be by virtue of this Act a party to the arbitration shall be deemed to be a railway company.

Power to abandon unexecuted works under Bute Docks Acts.

7. The Undertakers may and shall abandon the construction of the several works and operations which by the Bute Docks Act 1874 they were authorised to make execute and maintain except in so far as the same or any of the same may have been executed wholly or partially before the passing of this Act and they may also abandon and discontinue the use of such of the works constructed under the authority of the Bute Docks Act 1866 as may be rendered useless or unnecessary by the construction of the works and operations by this Act authorised or which it may be necessary to remove or alter for the construction of the same.

Power for Undertakers to make works.

8. Subject to the provisions of this Act the Undertakers are hereby (as far as any statutory authority in this behalf is requisite) authorised to make execute and maintain on the lands shown on the deposited plan and specified in the deposited book of reference and as far as the lines and levels of the works are shown in the deposited plan and sections in those lines and in accordance with those levels the several works and operations by this Act authorised and to enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose.

Powers of Undertakers under Act and otherwise cumulative.

9. Save as by this Act otherwise expressly provided the several powers and authorities by this Act conferred on the Undertakers are in addition to their rights powers and authorities irrespective of this Act and those several powers and authorities are accordingly cumulative.

Description of dock and works authorised.

10. The several works and operations which by this Act the Undertakers are authorised as aforesaid to make execute and maintain include the works and operations following with all such

incidental works and conveniences connected therewith as the Undertakers from time to time think fit (that is to say) :—

As part of and in connexion with the dock or basin and works constructed under the powers of the Bute Docks Act 1866 and of the works herein-after described a sea wall or embankment or other works for the purpose of reclaiming a portion of the foreshore or land known as the Cardiff Flats situate in or adjoining to the parishes of Saint Mary the Virgin Cardiff and Roath in the county of Glamorgan and lying between high and low water mark and bounded northwardly and north-westwardly partly by the embankment constructed under the powers of the Bute Docks Acts 1866 and 1874 and partly by the mainland part of the East Moors in the parishes of Saint Mary the Virgin Cardiff and Roath eastwardly and westwardly by part of the Cardiff Flats and southwardly by other parts of the Cardiff Flats and by an imaginary line drawn across the same in a southwardly and a south-westwardly and a northwardly direction commencing at a point on the shore line one thousand three hundred and thirty-three yards or thereabouts eastward of the south-east corner of the dock or basin constructed under the Bute Docks Act 1866 and terminating at the south-western end of the embankment constructed under the powers of the last-mentioned Act The seaward face of such embankment to be constructed of stone pitching or in such other manner as will effectually prevent earth rubbish ballast or other materials deposited landwards of that face being carried by the wash of the sea into Penarth Roads or Cardiff Harbour ;

A dock (to be called the Roath Dock) with entrances cuts locks basins timber-floats or ponds gates sluices piers jetties landing-places wharves staiths warehouses bridges railways roads approaches tram and other ways graving docks and other works and conveniences connected therewith for the reception and repair of ships and for other purposes upon and within the foreshore or land so to be reclaimed or upon the adjoining mainland or partly upon such foreshore and partly upon the adjoining mainland and which dock and other works will be situate within the parishes of Saint Mary the Virgin Cardiff and Roath or one of them and the foreshore adjoining those parishes and will commence at or near a point two hundred and fifty yards or thereabouts eastwardly from the eastern end of the dock or basin constructed under the powers of the Bute Docks Act 1866 and passing thence in an eastwardly direction for eight hundred yards or thereabouts will terminate on the

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foreshore at or near a point one thousand and fifty yards or thereabouts eastward of the eastern end of the dock or basin constructed under the powers of the Bute Docks Act 1866;

A cut or junction lock wholly in the parish of Saint Mary the Virgin Cardiff commencing from and out of the eastern end of the dock or basin constructed under the powers of the Bute Docks Act 1866 and terminating in the herein-before described intended dock at or near the above described point of its commencement;

The diverting into the herein-before described dock and cut or junction lock the waters of the Bristol Channel the entrance channel to the Bute Docks the Bute East and Bute West Docks the dock or basin and cuts and locks authorised by the Bute Docks Act 1866 or some or one of them:

The following railways with stations wharves quays bridges landing-places approaches sidings junctions works and conveniences connected therewith (that is to say):

A railway (No. 1) 3 furlongs and 4·2 chains in length partly in the parish of St. Mary the Virgin Cardiff and partly in the parish of Roath commencing by a junction with an existing railway of the Undertakers at a point one hundred and forty yards or thereabouts to the south of the level crossing of the Rhymney Railway Company's low level line and the Great Western Railway Company's Bute Dock Branch Railway and terminating on the East Moors in the parish of Roath at or near a point seventy yards or thereabouts northwards from the northern end of the outfall basin of the Cardiff main outfall sewer situate on the East Moors;

A railway (No. 2) 3 furlongs and 6·2 chains in length wholly in the parish of Roath or on the foreshore adjoining such parish commencing by a junction with railway No. 1 at the point above mentioned as the termination of the said railway and terminating by a junction with railway No. 3 herein-after described on the foreshore in or adjoining the said parish of Roath at a point three hundred and eighty-three yards or thereabouts southward of the south end of the outfall basin of the Cardiff main outfall sewer;

A railway (No. 3) 5 furlongs and 1·5 chains in length partly in the parish of Saint Mary the Virgin Cardiff and partly in the parish of Roath or on the foreshore adjoining commencing by a junction with an existing railway of the Undertakers leading from the Rhymney Railway Company's low level line to the south side of the dock or basin constructed under the Bute Docks Act 1866 at a point one hundred and seventy-two yards

or thereabouts south-westwardly from the south-eastern corner of the terminus yard of the Rhymney Railway and terminating by a junction with railway No. 2 herein-before described on the foreshore in or adjoining the parish of Roath at or near a point three hundred and eighty-three yards or thereabouts southwards from the southern end of the outfall basin of the Cardiff main outfall sewer before mentioned;

A railway (No. 4) 2 furlongs and 8·5 chains in length wholly in the parish of Saint Mary the Virgin Cardiff or on the foreshore adjoining commencing by a junction with railway No. 3 at a point two hundred and fifteen yards or thereabouts from its commencement (measured along the line of the said railway) and terminating on the foreshore in or adjoining the parish of Saint Mary the Virgin Cardiff at or near a point two hundred and sixty yards or thereabouts from the south-western corner of the dock or basin constructed under the powers of the Bute Docks Act 1866 measured in the line of the south-western end of the said basin; and

A diversion of that portion of the existing main outfall sewer belonging to the Cardiff corporation as the urban sanitary authority for the borough of Cardiff and the outlet of such sewer situate in the parish of Roath or on the foreshore adjoining such parish between the outfall basin of such sewer and a point on the said outlet on the said foreshore six hundred and twenty yards or thereabouts southward of the said outfall basin and the construction in lieu thereof of a new sewer with all necessary and convenient cuts channels cisterns tanks and other works commencing at the south end of the said outfall basin and terminating on the foreshore at or near the point above described as the termination of the said intended diversion of the said outlet upon the foreshore.

Lateral and vertical deviations.

11. Except as by this Act otherwise provided the Undertakers in the execution of the works by this Act authorised may deviate laterally from the lines of the works shown on the deposited plan to any extent within the limits of deviation shown thereon and vertically from the levels of the works shown on the deposited sections to any extent not exceeding five feet.

Restricting limits of deviation.

12. No deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as marked on the deposited plan even within the limits of deviation shown on such plan without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

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New sewer when constructed to vest in Corporation.

13. When and so soon as the said sewer and works connected therewith by this Act authorised have been constructed by the Undertakers in pursuance of this Act the said sewer and works together with all rights easements and privileges belonging thereto shall be and the same are hereby transferred to and vested in the mayor aldermen and burgesses for the time being of the borough of Cardiff (herein-after referred to as "the Corporation") or other the body or persons for the time being being the urban sanitary authority for the borough of Cardiff under the Public Health Act 1875 or any other Act or Acts amending or altering the same and the Corporation acting by the council or other the body or persons for the time being being the urban sanitary authority for the borough of Cardiff shall thenceforth exercise enjoy and perform all rights powers authorities privileges and obligations of an urban sanitary authority with respect to the said sewer and works in the same manner to the same extent and subject to the like obligations and liabilities as if the said sewer and works had been constructed by the Corporation or such other body or persons as aforesaid.

38 & 39 Vict. c. 55.

As to diversion of main outfall sewer.

14. With respect to the diversion of the said main outfall sewer the following provisions shall have effect (that is to say):—

1. In this section "the plan" means a plan signed in triplicate by the Right Honourable Frederick Henry Paul Lord Methuen the Chairman of the Committee of the House of Lords to whom the Bill for this Act was in its passage through Parliament referred and which plan shall as to one copy thereof be deposited in the office of the clerk of the Parliaments and as to another copy at the Private Bill Office of the House of Commons and as to the third copy at the office of the town clerk of Cardiff;
2. The Undertakers shall not make the diversion of the said sewer until the expiration of one year from the passing of this Act unless with the previous consent of the Corporation under their common seal;
3. If within that period the Corporation exercise the powers vested in them by the Public Health Act 1875 to enable them to enter into through or under the necessary lands within their district the Undertakers in lieu of making the diversion of the said sewer in the line shown on the deposited plans shall upon the request of the Corporation in writing under the hand of the town clerk divert the said sewer in the new course shown by a red line on the plan or in the course shown by a blue line on the plan as the Corporation shall by such writing request;

4. If the Corporation require the said diversion to be made in the course shown by the said blue line and the reasonable cost of such diversion shall exceed the cost of making the diversion shown on the plan by the said red line between the letters C and D thereon the Corporation shall pay to the Undertakers such excess within one month after the completion of the substituted diversion;

5. The diversion of the said sewer in whatever course the same shall be made shall be so made and completed with all necessary and convenient cuts channels tanks penstock chambers and appliances to the reasonable satisfaction of the borough engineer and shall be made in all respects as efficient as the existing main outfall sewer;

6. The existing sewer shall not be interfered with except in so far as may be necessary for connecting the same with the diverted sewer until the latter shall have been completed ready for use;

7. The Corporation may if they think fit give notice under their common seal to the Undertakers at any time within one year after the passing of this Act that they the Corporation will themselves make the substituted diversion and thereupon the Undertakers shall pay to the Corporation within six months after such notice shall have been given by the Corporation to the Undertakers the whole cost which would have been incurred by the Undertakers in and in relation to to the making of the diversion of the said sewer in the course shown on the plan by the red line between the points marked with the said letters C and D;

8. If any difference arise between the Undertakers and the Corporation touching anything to be done or not to be done by either of the said parties under the provisions of this section or as to the amount of any money to be paid thereunder by either of the said parties to the other of them such difference shall be determined by an engineer to be agreed on between the parties or (in default of such agreement within one month after such difference shall have arisen) by an engineer to be appointed on the application of either of them by the Board of Trade and the costs of the reference shall be borne as he shall direct.

When new sewer constructed existing sewer to vest in Undertakers.

15. When and so soon as the said sewer and works connected therewith have been constructed by the Undertakers in pursuance of this Act it shall be lawful for the Undertakers to close up so much of the said existing main outfall sewer and works connected therewith as may have become or may be rendered unnecessary by reason

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of the construction of the sewer and works by this Act authorised and thereupon such portion of the said existing main outfall sewer and works and the site thereof together with all rights easements and privileges belonging thereto shall be and the same are hereby transferred to and vested in the Undertakers and the Corporation acting by the council or other such body or persons for the time being being such urban sanitary authority as aforesaid shall thenceforth be freed and discharged from all rights powers authorities privileges and obligations as an urban sanitary authority with respect to such portion of the said existing main outfall sewer and works.

Staiths on eastern side of River Taff to be part of undertaking.

16. Subject to the provisions of this Act the Undertakers are hereby (as far as any statutory authority in this behalf is requisite) authorised to maintain the two staiths lately erected by them on their own land on the eastern side of the river Taff in the parish of Saint Mary the Virgin Cardiff together with the railways sidings approaches and other works in connexion therewith belonging to the Undertakers in like manner in every respect as though the same were works and railways forming part of the undertaking authorised by the Bute Docks Acts and the said staiths railways and works shall for all purposes be deemed to form part of and to be included in the works and railways by this Act authorised.

Period for completion of works.

17. If the works and operations by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Undertakers for making and completing such works and operations or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall be then completed.

Period for compulsory purchase of lands.

18. 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.

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

19. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act passed in the session of Parliament held in the ninth and tenth years of Her present Majesty chapter twenty there has been paid into the name and with the privity of Her Majesty's Paymaster-General in respect of the application to Parliament for this Act a sum of one thousand three hundred and seventy-two pounds and five pence (herein-after referred to as "the deposit fund") representing five per centum upon the amount of the estimate in respect of the railways authorised by this Act Be it enacted that notwithstanding anything contained in the said recited Act the deposit fund shall not be paid 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 Undertakers shall previously to the expiration of the period limited by this Act for completion of the railways open the railways for the conveyance of public traffic Provided that if within such period so limited for the completion of the railways the Undertakers open any portion of the railways for the conveyance of public traffic then on 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 Chancery Division of the High Court of Justice in England shall on the application of the depositors order the said portion of the deposit fund so specified in such certificate as aforesaid to be paid to the depositors or as the depositors shall direct and the certificate of the Board of Trade shall if signed by the secretary or by an assistant secretary of the said board 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 recited Act to the contrary notwithstanding.

Application of deposit.

20. If the Undertakers do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same as 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Undertakers by this Act for the purposes of the railways and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a portion of the deposit fund shall have 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 either be forfeited to Her Majesty and shall accordingly be paid to or for the account of Her Majesty's

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Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the consolidated fund of the United Kingdom or at the discretion of the said Chancery Division if the Undertakers are insolvent or a receiver has been appointed shall wholly or in part be paid to such receiver or be otherwise applied as part of the assets of the Undertakers for the benefit of the creditors Provided that until the deposit fund has been repaid 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.

Limit of dock-master's authority.

21. For the purposes of the provisions incorporated with this Act of the Harbours Docks and Piers Clauses Act 1847 the prescribed limits within which the powers and authorities of dock-masters harbour-masters and piermasters from time to time appointed by the Undertakers may be exercised by them respectively and their respective deputies and assistants (which limits are in this Act referred to as "the limits of the dockmaster's authority") are as follows (that is to say):—

The docks and works of the Undertakers under the Bute Docks Act 1865 and the Bute Docks Act 1866 and this Act and all places within two hundred yards from the centre of the entrance to any and every dock basin harbour cut and channel of the Undertakers from time to time existing under the said Acts or any of them and within three hundred yards from any and every part of any pier jetty quay-wall or landing-place of the Undertakers thereunder but not extending southwards beyond a distance of seventy chains measured from the sea gates of the Bute West Dock.

Provided always that the limits of the dockmaster's authority shall not include any part of the undertaking of the company of proprietors of the Glamorganshire Canal Navigation or the entrance channel leading from the river Taff to the said canal.

Public wharf.

22. The Undertakers shall appropriate a part or parts of the margin of the dock by this Act authorised of the length or aggregate length of four hundred feet at the least and of the width of one hundred feet at the least as and for one or more public wharf or public wharves for the landing or loading of goods from or on board the vessels using that dock.

Change of situation of public wharves.

23. The Undertakers from time to time as occasion reasonably requires may change the situation of any of the public wharves under this Act but not so as to reduce the length or aggregate length or the width of the public wharf or public wharves so

provided at the dock by this Act authorised below the length and width by this Act in that behalf prescribed. A.D. 1882.

Cranes at and access to public wharves.

24. The Undertakers shall provide and maintain at every public wharf from time to time provided by them under this Act proper and sufficient cranes for facilitating the landing and loading of goods thereat and shall lay out and maintain a convenient means of access to every such public wharf.

Power to Undertakers to dredge the entrance channels to docks.

25. The Undertakers shall have full power and authority from time to time to dredge scour widen and improve the entrance channel to the docks from the southernmost part of Cefn-y-Wrach and all channels and waters forming a means of access to the docks or any of them and they may from time to time provide and fix all such dolphins mooring-posts lights signals telegraphic and telephonic appliances and such works and conveniences as may be required for the navigation of the said channels and waters or any of them but nothing shall be done under the authority of this section which may in any way obstruct or interfere with the existing access from the sea to the dock and harbour at Penarth nor with the entrance channel leading to the Glamorganshire Canal nor with that part of the River Taff which lies between the junction of the said entrance channel with that river and the junction of that river with the entrance channel leading to the Bute Docks.

Power for Undertakers to employ tugs hobblers &c. for purpose of working vessels into and out of docks &c.

26. Subject to the right of the owner or master of any vessel to employ his crew in the performance of any of the services herein-after mentioned the Undertakers may if and when they think fit employ any tugs boatmen riggers hobblers and other proper persons for the purpose of effectually and speedily working any vessel within the limits of the dockmaster's authority or within any dock or into or out of any such dock or for removing any such vessel from time to time from any place in any dock to any other place either in the same or in any other dock in such manner as they may consider will best effect the purposes aforesaid and the master or owner of any such vessel shall on demand pay to the Undertakers such reasonable sum in respect of any such service as the Undertakers may demand.

Undertakers may license boatmen &c.

27. For the better navigation of vessels in the docks and in the approaches thereto from the sea and for the use and accommodation of vessels frequenting the docks the Undertakers may from time to time license such number of boatmen riggers hobblers and other proper persons for such periods yearly or otherwise and on such terms and conditions as they may think fit and may charge such sum for every such license at a rate not exceeding five shillings per annum as they may think fit Provided always that the Undertakers

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may at any time revoke any such license by reason of the misconduct or inefficiency of the person holding the same Provided also that nothing in this or the preceding section shall entitle such boatmen riggers hobblers and other persons to act as pilots or to supersede or take the place of any licensed pilot Provided also that a license shall not in the first instance be unreasonably refused to any competent boatman rigger or hobbler who at any time during the twelve months immediately preceding the passing of this Act has been employed in such capacity within the Bute Docks Provided also that if any dispute arise between any boatman rigger or hobbler and the Undertakers with respect to the refusal or revocation of or refusal to renew such license such dispute shall be settled by the stipendiary magistrate for the borough of Cardiff in a summary manner who in the case of any revocation or refusal to renew such license shall have regard to the terms and conditions upon which such license was granted and to the byelaws of the Undertakers for the time being in force.

Powers of dockmaster in case of delay &c.

28. Whenever any delay which in the opinion of the dockmaster is unnecessary or inconvenient shall take place in the working or removing any vessel within the limits of the dockmaster's authority or in the discharging or loading and trimming or in any service necessary to be performed in connexion with any vessel or cargo of such vessel either from the inadequacy or improper conduct of the persons employed or from the negligence or default of the master or person in charge of such vessel the Undertakers may employ a sufficient number of suitable persons to work or remove or to discharge or load or perform any service in connexion with any vessel or the cargo of such vessel or to assist in working or removing discharging or loading or trimming the same and the master or owner of such vessel shall on demand pay to the Undertakers such reasonable sum for any or every of such services as the Undertakers may demand and the master or person in charge of such vessel who shall not properly clear the deck of his vessel by stowing away all such articles as may impede the delivery or loading of the cargo thereof upon being required so to do by the dockmaster shall for every such offence be liable to a penalty not exceeding five pounds.

Undertakers to disembark and ship goods &c. and make charges.

29. The Undertakers may by agreement with the owner consignor or consignee of any coal coke culm steel iron iron-ore or other ore timber goods wares and merchandise to be shipped into or unshipped from any vessel in the docks or with the owner or master of any vessel disembark discharge and land weigh ship put on board and trim such coal coke culm steel iron iron-ore or other ore timber goods wares and merchandise and may recover and

receive for all or any of such services and for any other work labour or service performed by the Undertakers in respect of such coal coke culm steel iron iron-ore or other ore timber goods wares or merchandise and for the use of any shipping loading trimming or discharging appliances works or conveniences such reasonable rates as may be agreed upon between the Undertakers and such owner consignor consignee or master respectively as though the same were tonnage rates payable under the Bute Docks Acts Provided that nothing in this section contained shall apply to any wharf or wharves leased or agreed to be leased by the Undertakers to the Great Western Railway Company and the Taff Vale Railway Company respectively unless otherwise agreed between the Undertaker and those companies respectively.

Undertakers to remove ballast.

30. All ballast to be discharged or put removed from or into any vessel within or at the docks and all services in relation to the stowing and trimming thereof shall if and when the Undertakers so order or direct be discharged or removed or performed by the Undertakers and the Undertakers shall and may demand and receive from the master or owner of such vessel for such services such reasonable rates as they may from time to time order or direct not exceeding in any case where specific rates are prescribed by the Bute Docks Acts the amount of such specific rates and where no such specific rates are so prescribed such reasonable rates and sums of money as the Undertakers shall from time to time order or direct Provided that nothing in this section contained shall apply to the ballast cranes at the Bute West Dock belonging to the Taff Vale Railway Company nor affect the existing rights of the Taff Vale Railway Company in regard to ballast.

Undertakers may make charges for watching lighting and water.

31. The Undertakers shall and may demand and receive from the master or owner of every vessel entering or resorting to or using any of the docks such reasonable rates in respect of the watching and lighting of the docks quays wharves and works or shipping and in respect of signals and of telegraphic or telephonic appliances as they may from time to time order or direct and such rates may vary according to the length of time during which such vessel shall remain within the docks or otherwise as the Undertakers may from time to time determine so that such rates shall in no case (except under special agreement) exceed the sum of five shillings for each day or part of a day during which such vessel shall be and remain within the docks and the Undertakers may also make such reasonable charge in respect of water supplied by them to any such vessel as they may from time to time order or direct so that such charge shall in no case exceed the sum of one shilling per one hundred gallons and such charge in respect of water

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supplied to any such vessel shall on demand be paid by the master or owner of such vessel to the Undertakers Provided always that the provisions of this section with respect to watching and lighting and to signals telegraphic and telephonic appliances shall not come into operation until the dock by this Act authorised has been constructed and opened for traffic.

Tonnage wharfage and other rates and charges to be taken at the docks.

32. The Undertakers from time to time may at and in connexion with the docks and works under the Bute Docks Act 1865 the Bute Docks Act 1866 and this Act or any of them demand and take the rates rents and charges authorised to be demanded and taken by section seventeen of the Bute Docks Act 1874 subject to the modifications following (that is to say):

(1) In lieu of tonnage rates on any vessel the Undertakers may by agreement with the master or owner or person in charge of such vessel demand and take such payment as may be agreed upon between the Undertakers and the said master or owner or person in charge:

(2) Section sixty-five of the Bute Docks Act 1865 referred to in section seventeen of the Bute Docks Act 1874 shall from and after the passing of this Act be read as though in addition to the articles in respect of the shipping and weighing of which the Undertakers are authorised to demand and take the rates thereby respectively prescribed the following were enumerated (that is to say) steel iron iron-ore or other ore timber goods wares and merchandise and so that the term "machinery" in the said section sixty-five shall include shipping appliances works and conveniences; and

(3) Section seventeen of the Bute Docks Act 1874 shall from and after the passing of this Act be read and construed as if all the works therein after the words "the Bute Docks Act 1866" at the end of sub-section nine were omitted therefrom.

Tolls on vessels using communication canal.

33. When and so soon as the Undertakers shall have widened or extended the existing lock in the communication canal connecting the Glamorganshire Canal with the Bute West Dock so as to admit of two canal barges of not less than twenty tons burthen each being locked through at one and the same time the Undertakers from time to time may demand and take for every barge boat or vessel laden or unladen passing through such communication canal any sum not exceeding threepence for each time of passing inwards or outwards and every such sum shall be payable by the master or owner of such barge boat or vessel and shall be recoverable by all and the same means proceedings and remedies as though the same were tonnage rates payable under the Bute Docks Acts Provided that nothing shall be done in pursuance of

this section which shall in any manner lessen prejudice or affect the estates rights powers or privileges of the company of proprietors of the Glamorganshire Canal Navigation under the Bute Docks Act 1865.

Charges for berths occupied by steam tugs.

34. The Undertakers from time to time may demand and take for every tug occupying a berth for a month or any shorter period within the limits of the dockmaster's authority any sum not exceeding five shillings and such sum shall be payable by the master or owner of such tug and shall be recoverable by all and the same means proceedings and remedies as though the same were tonnage rates payable under the Bute Docks Acts.

Provisions of former Acts as to rates &c. to apply to dock &c. under this Act.

35. The several provisions of the Bute Docks Act 1865 and the Bute Docks Act 1866 for recovery of or otherwise in relation to tonnage rates on vessels wharfage rates rents for goods and rates for graving docks and staiths and weighing and craneage rates and ballast rates and charges for services respectively shall in all respects (subject to the provisions of this Act) be read and have effect as if the dock by this Act authorised and the works and lands of the Undertakers under this Act were docks and works and lands of the Undertakers under those Acts and as though the charges by this Act authorised were charges authorised by the said Acts or one of them and as though the services which the Undertakers are under this Act authorised or required to render in respect of any vessel or any coal coke culm steel iron iron-ore or other ore timber goods wares merchandise or ballast were services which the Undertakers were authorised or required to render under the said Acts and all the provisions of the said Acts with respect to the detention and sale of goods where default is made in payment to the Undertakers of any rate rent toll or charge in respect thereof shall apply to the detention and sale by the Undertakers of any coal coke culm steel iron iron-ore or other ore timber goods wares or merchandise with respect to which any default may be made in payment of any rate rent toll or charge payable in respect thereof under the said Acts or under this Act.

Provisions of 29 & 30 Vict. c. ccxcvi. as to railway rates, &c. to apply to railways under this Act.

36. The several provisions of the Bute Docks Act 1866 as amended by this Act with respect to tolls and rates for passengers and for steel iron iron-ore or other ore timber goods animals and things conveyed on the railways of the Undertakers by that Act authorised and with respect to matters connected therewith shall in all respects (subject to the provisions of this Act) be read and have effect as if the railways works and lands of the Undertakers under this Act were railways works and lands of the Undertakers under the Bute Docks Act 1866.

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Power to Undertakers to take tolls for sidings and services.

37. The Undertakers may demand and take in respect of any coal coke culm steel iron iron-ore or other ore for the use of the staiths' sidings and the lines of railway of the Undertakers connecting the some with their storage and sorting sidings such reasonable tolls rates and charges as they may from time to time order or direct not exceeding one halfpenny per ton and for the delivery and removal of such coal coke culm steel iron iron-ore or other ore and any further services incidental thereto (where any of such services are performed by the Undertakers) such further reasonable tolls rates and charges as they may from time to time order or direct not exceeding one halfpenny per ton: Provided always that the provisions of this section shall not come into operation until the dock by this Act authorised has been constructed and opened for traffic.

Running powers for other railways over railways of Undertakers.

38. The Taff Vale Railway Company the Rhymney Railway Company and the Great Western Railway Company or any one or more of them and all companies and persons lawfully using the railways of those companies or any of them may subject to the provisions of this Act and to the byelaws rules and regulations of the Undertakers as approved by the Board of Trade run over work and use with their engines carriages waggons officers and servants for traffic passing to or from the docks any of the railways of the Undertakers by the Bute Docks Act 1866 and by this Act respectively authorised together with any roads approaches signals machinery and other works and conveniences on those railways respectively free of toll as regards all coal coke and culm traffic and as regards all other traffic upon payments terms and conditions to be (failing agreement) determined by arbitration under the Railway Companies Arbitration Act 1859 as made applicable to this Act.

Limit to tolls to be charged by railway companies using railways of Undertakers.

39. No railway company shall charge in respect of the user of any railways of the Undertakers any greater toll than is paid by such railway company to the Undertakers for such user Provided always that nothing herein contained shall prevent any railway company charging for the supply of locomotive power when rendered such rates as they would have been entitled to charge if the railways of the Undertakers formed part of their own undertaking.

Undertakers not to be bound to carry coal on their railways.

40. Notwithstanding anything in the Bute Docks Acts or any of them contained or in any award made thereunder, from and after the passing of this Act the Undertakers shall not be required to provide locomotive power for the conveyance of nor to convey any coal coke or culm over any railways or sidings (other than the

staiths' sidings and the lines of railway connecting the same with the storage and sorting sidings) of the Undertakers except by agreement and upon such terms and conditions as may be agreed on and any restrictions in the said Acts or any such award contained upon the carriage of any coal coke or culm by persons other than the Undertakers over any railways or sidings shall be and the same are hereby abolished and repealed.

Coal &c. intended for shipment at docks to be conveyed by railway companies over Undertakers' railways.

41. All coal coke culm steel iron iron-ore or other ore timber goods wares and merchandise destined for shipment at the docks and brought over any railway of the Taff Vale Railway Company the Rhymney Railway Company or the Great Western Railway Company or any of those railway companies or by any other railway company for the time being lawfully working or using such railway to the point of junction of such railway with any railway of the Undertakers shall from time to time be conveyed by such railway company as aforesaid by locomotive power provided by them over such railway (not being the Bute Viaduct Railway) of the Undertakers to and be delivered by them upon the sidings provided by the Undertakers at or in connexion with the several staiths or systems of staiths or shipping or landing-places at the docks as they may from time to time be reasonably directed by the Undertakers and after shipment of the coal or coke at the several staiths the empty waggons shall be placed by the Undertakers in the sidings leading from the several staiths and all waggons used for such purpose shall when empty be re-conveyed from such sidings to and beyond the said point of junction by such railway company by locomotive power provided by them in such manner as may from time to time be reasonably directed by the Undertakers Provided that in placing the loaded waggons upon the several sidings as well as in removing the empty waggons therefrom respectively the said railway companies shall not in dealing with the component parts of each train be obliged to make more than two shunts upon each system of sidings or upon any siding not forming a portion of a system of sidings.

Imported articles to be taken up by railway companies at Undertakers' sidings.

42. All coal coke culm steel iron iron-ore or other ore timber goods wares and merchandise imported into or by way of any of the docks and destined for conveyance on upon or along any railway of any of the said railway companies by any of the said railway companies or by any other railway company for the time being lawfully working or using such railway shall be received and taken up or delivered as the case may be by such railway company at such place in the sidings of the Undertakers at or in connexion with any of the docks and in such manner as the Undertakers may from time to time reasonably direct and shall be conveyed by such

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railway company from such sidings over the railways (not being the Bute Viaduct Railway) of the Undertakers by locomotive power provided by such railway company to and beyond the point of junction of the railways of the Undertakers with the railways of such railway company.

Saving clause for Rhymney Railway Company.

43. Nothing in sections 41 and 42 of this Act contained shall in any manner prejudice or affect enlarge or diminish the rights and obligations of the Undertakers and the Rhymney Railway Company respectively as regards the conveyance of coal and coke under the agreement set forth in Schedule (A) to this Act annexed.

Railway companies not to be bound to convey traffic except over such railways as they may be entitled to run over.

44. Nothing in sections 41 and 42 of this Act contained shall render it obligatory upon any railway company to convey traffic over any railways which such railway company is not entitled by agreement or otherwise to run over.

Equal facility clause for railway companies.

45. The Undertakers shall so far as may be reasonably practicable and subject to existing rights and agreements afford equal facilities upon equal terms to and in respect of traffic passing to or from the docks and conveyed or intended to be conveyed by any of the respective railway companies having access to the docks.

Railway companies arbitration.

46. In case of any difference between the Undertakers and any of the said railway companies as to any matter under sections 41 to 45 of this Act inclusive the same shall be settled by arbitration under the Railway Companies Arbitration Act 1859 as made applicable to this Act.

Power to charge for waggons &c. occupying sidings for more than seventy-two hours.

47. The Undertakers may demand and take in respect of any waggon occupying (except by default of the Undertakers) any of the railways or sidings of the Undertakers on any one occasion for a longer period than seventy-two hours (Sundays excepted) such reasonable rates or sums of money as they shall from time to time order and direct Provided that such rates and sums shall not exceed in the whole the sum of sixpence for each day or part of a day during which such waggon occupies such sidings or railways or either of them upon the same occasion beyond the period aforesaid and the Undertakers may recover such rates and sums in like manner and subject to the same conditions as tolls for the use of the railways authorised by the Bute Docks Acts.

Agreements between Undertakers and railway companies.

48. In addition to any other powers in that behalf contained in the Bute Docks Acts or any of them the Undertakers on the one hand and all or any of the companies following (that is to say):—The Rhymney Railway Company the Taff Vale Railway Company the Great Western Railway Company the Pontypridd Caerphilly and Newport Railway Company and the Penarth Harbour Dock and Railway Company or any one or more of the

said companies on the other hand from time to time may enter into and carry into effect and from time to time may rescind and vary (subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873) contracts agreements and arrangements for any of the purposes following and all or any matters incidental and accessory thereto (that is to say): 36 & 37 Vict. c. 48.

The construction working user management and maintenance by the contracting parties of any railways sidings staiths slips piers wharves embankments buildings and other works and conveniences belonging to or leased by them;

The supply under any agreement for the railways being worked and used by the contracting parties or either of them of rolling-stock and machinery necessary for the purposes of such agreement and of officers and servants for the purpose of the traffic of such railways;

The payments to be made and the services to be rendered and the conditions to be performed and observed with respect to such construction use management and maintenance;

The construction and maintenance of sidings junctions and communications between the respective works of the contracting parties;

The interchange conveyance and delivery by any or either of the contracting parties of the whole or any part of the traffic destined for or coming from the docks railways or works of the others or other of them;

The levying fixing division and apportionment of the tolls terminals rates charges receipts and revenues levied taken or arising in respect of the traffic aforesaid;

The rents payments allowances rebates and drawbacks periodical or otherwise to be paid made or allowed by or to any or either of the contracting parties to or by the other or others of them for or on account of any of the matters to which the respective contracts agreements or arrangements relate;

The appointment of joint committees by the contracting parties and the exercise of such other powers as may be found desirable in reference to the purposes aforesaid or any of them.

Agreements between Undertakers and other companies and persons.

49. In addition to any other powers in that behalf contained in the Bute Docks Acts or any of them the Undertakers may from time to time enter into and carry into effect and from time to time may rescind and vary contracts agreements and arrangements with any company or person for the letting on lease to such company or person of any of the staiths wharves quays and appurtenances thereto and also any of the plant machinery appliances and property

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of the Undertakers subject to the provisions of the Bute Docks Acts for such rents or other considerations and upon such terms and conditions as they and such other company or person may agree upon.

Confirming scheduled agreement with Rhymney Railway Company.

50. The agreement dated the twenty-third day of December one thousand eight hundred and eighty-one made between the Most Honourable John Patrick Crichton Stuart Marquess of Bute of the first part the Honourable Henry Dudley Ryder Lord Edmund Bernard Talbot and Frederick Pitman of the second part and the Rhymney Railway Company of the third part as set forth in Schedule (A) to this Act is hereby confirmed as between the parties thereto.

Running powers to railway companies over Rhymney Company's Bute Docks branch and low level line.

51. The Taff Vale Railway Company and the Great Western Railway Company and all companies and persons lawfully using the railways of those companies or either of them or any part thereof respectively or lawfully using the railways of the Undertakers by the Bute Docks Act 1866 or this Act authorised may subject to the reasonable regulations of the Rhymney Railway Company run over work and use with their engines carriages and servants for traffic passing either between Crockherbtown Junction and the high level staiths on the Bute East Dock or to or from the dock and works by this Act authorised such parts as are requisite of the Rhymney Railway Company's Bute Docks branch and low level line and all roads approaches signals and machinery and other works and conveniences on or connected therewith respectively upon payment except as otherwise provided by the agreement set forth in the Schedule (A) to this Act annexed of the rates following (that is to say):

(A). For all through coal traffic one penny a ton;

(B). For all through coke and iron and iron-ore traffic one penny halfpenny a ton;

(C). For all other through traffic such tolls not exceeding the tolls by the Rhymney Railway Company's Acts authorised as the Rhymney Railway Company and the other companies or persons so working over or using respectively from time to time agree on or as (failing agreement) are determined by arbitration under the Railway Companies Arbitration Act 1859;

(D). "Through traffic" in every case in this section means traffic arising at and destined for some point not on the Rhymney Railway Company's Bute Docks branch and low level line.

Payments by railway companies using Rhymney Bute Docks branch and low-level line.

52. The railway companies from time to time using the Rhymney Company's Bute Docks branch and low-level line or any parts thereof respectively shall be entitled to use the same and the signals and conveniences on or connected with the same upon and subject to such payments terms and conditions consistent with this Act as the Rhymney Railway Company and those companies respectively from time to time agree on or as (failing agreement) are determined by arbitration under the Railway Companies Arbitration Act 1859.

Undertakers &c. to have access to and use of road of Penarth Company.

53. From and after the passing of this Act the Undertakers their tenants servants and all other persons with their license with horses carts and carriages shall have free access from the lands of the Undertakers to that portion of the road situate in the parish of Saint Mary the Virgin Cardiff constructed under the powers of the Penarth Harbour Dock and Railway Act 1861 which lies between the Glamorganshire Canal and the River Taff and is bounded on both sides by land of the Undertakers by means of entrances to be made by the Undertakers (and at their own cost) in the boundary fences of such road at such places as may be agreed upon between the Undertakers and the Penarth Harbour Dock and Railway Company and the Taff Vale Railway Company respectively or failing such agreement as may be settled by arbitration in manner provided by the Railway Companies Arbitration Act 1859 as made applicable to this Act and by means of roads connecting the lands of the Undertakers with such entrances and the Undertakers their tenants servants and all other persons with their license with horses carts and carriages shall have a right of way over the whole of the said road and over the bridge over the River Taff constructed under the powers of the said Act subject nevertheless to the payment of such tolls as may for the time being be payable under the provisions of the Penarth Harbour Dock and Railway Act 1861.

Undertakers may take increased charges by agreement.

54. Nothing in this Act contained shall prevent the Undertakers from taking any increased charges over and above the charges by this Act limited for any accommodation afforded or services rendered in connexion with any coal coke culm steel iron iron-ore or other ore or any timber goods wares or merchandise whatsoever or for the conveyance thereof by agreement with the owners or persons in charge of the same either by reason of any special circumstances under which such accommodation or services may be afforded or rendered by the Undertakers or of the special character thereof.

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Payment of expenses not to free from penalties.

55. The payment of any expenses to which any person is liable under this Act shall not free him or any other person from any penalty incurred by them or either of them under the Bute Docks Acts or any of them.

Power to make byelaws.

56. The Undertakers may in addition to their power for making byelaws under the Bute Docks Acts from time to time make such byelaws as they may think fit for all or any of the following purposes :—

(A) The working of vessels entering or leaving or whilst within any of the docks and other works of the Undertakers;

(B) The shipping unshipping landing lading loading stowing hauling trimming discharging and removing of all imported or exported cargoes or ballast;

and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to byelaws to be made by the Undertakers shall extend and apply to byelaws made under the authority of this Act Provided always that no byelaws made under the authority of this Act shall come into operation until the same be confirmed by the Board of Trade.

Reclaimed lands to form part of parishes of Saint Mary the Virgin Cardiff and Roath.

57. All lands to the seaward of the boundaries of the said parishes of Saint Mary the Virgin Cardiff and Roath which may be embanked or reclaimed under the authority of this Act shall form part of the said parishes or one of them and of the borough of Cardiff for all purposes whatsoever and so much of the said lands as shall be to the eastward of an imaginary straight line extending in a southwardly direction seawards from the southernmost point of the boundary between the said two parishes shall form part of the parish of Roath and so much of the said lands as shall be to the westward of the said imaginary line shall form part of the parish of Saint Mary the Virgin Cardiff.

Docks &c. to be part of port of Cardiff.

58. The works of the Undertakers under this Act and the lands from time to time vested in the Undertakers and used for the purposes thereof shall be within and part of the customs port of Cardiff.

Officers of customs to have free ingress, &c.

59. Notwithstanding anything in or by this Act contained or implied officers of customs being in the execution of their duty shall at all times have free ingress passage and egress into on along through and out of the docks and property of the Undertakers by land and with their vessels and otherwise without payment.

Undertakers to exhibit lights.

60. The Undertakers shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise

such lights if any as the Corporation of Trinity House of Deptford Strond shall from time to time direct. A.D. 1882.

Nothing to be done under Act contrary to Customs laws.

61. Nothing in this Act shall authorise the Undertakers or any of their dockmasters officers or servants to do anything in any way repugnant to or inconsistent with any law from time to time in force with respect to the Customs or any regulation from time to time in force of the Commissioners of Customs.

Saving rights of the Crown to the foreshore.

62. Nothing contained in this Act shall authorise the Undertakers 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 most Excellent Majesty Her heirs or successors.

Saving rights under 29 & 30 Vict. c. 62.

63. Nothing in this Act contained or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866.

Saving of rights as to future accretion.

64. Whereas all lands to the seaward of the lands by this Act authorised to be embanked or reclaimed now are below the line of ordinary high-water mark: Therefore if any lands to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed whether gradually or imperceptibly or otherwise so as to be above instead of below such line of ordinary high-water mark the Undertakers shall not by virtue of the ownership of any lands which they are by this Act empowered to reclaim have any estate right or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible or has been either wholly or partially caused by the works by this Act authorised or otherwise but the right and title to the soil and freehold of such lands when so raised or reclaimed shall continue vested in the Queen's most Excellent Majesty or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same and as if the same had continued as the same now are subject to the flow and reflow of the ordinary tides.

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Saving rights of Trinity House.

65. Nothing in this Act shall take away lessen prejudice or alter any of the jurisdictions rights or privileges of the corporation of Trinity House of Deptford Strond.

Saving rights of railway companies.

66. Except only as is by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the estates rights powers or privileges of any railway company named in this Act including the Penarth Harbour Dock and Railway Company.

Saving section seven of 11 Geo. 4. and 1 Will. 4. c. cxxxiii.

67. Except as by this Act authorised nothing in this Act shall affect the provisions of section seven of the Bute Dock Act 1830 as the same is described in Part I. of the Second Schedule to the Bute Docks Act 1874 and except as aforesaid that section shall after the passing of this Act have to all intents and purposes the same force and effect as if this Act had not been passed.

Saving rights of Corporation of Cardiff.

68. Saving always to the mayor aldermen and burgesses of the borough of Cardiff all such rates or duties for or in respect of all such ships or other vessels coming into the port of Cardiff as shall enter into or make use of the docks or works of the Undertakers constructed under the authority of this Act in as full large ample and beneficial a manner to all intents and purposes as they enjoyed the same before the passing of this Act or could or might have enjoyed the same in case this Act had not been passed in respect of vessels coming into the port of Cardiff and entering or using the docks and works of the Undertakers already made.

Saving rights of corporation as to water apparatus &c.

69. All water-mains pipes hydrants and water apparatus belonging to and laid down or placed by the corporation or by their predecessors in title the Cardiff Waterworks Company and now being within the limits of the Bute Docks shall continue to belong exclusively to the corporation and they shall at all reasonable times have access thereto for the purpose of renewing repairing and maintaining the same and nothing in this Act contained shall in any manner alter vary or prejudicially affect any rights now possessed by the corporation in regard to the supply of water within the Bute Docks.

Act not to prevent Undertakers from making quays, &c. for their own use.

70. Nothing in this Act shall preclude the Undertakers or their lessees from making maintaining and using for their own use and accommodation or for landing shipping or storing goods or for any other purposes any additional quays and landing-places and any warehouses or other erections or any works or conveniences respectively adjoining or near to or communicating with any of the works by this Act authorised.

Saving rights of Undertakers.

71. Except only as by this Act expressly provided nothing in this Act shall take away lessen prejudice or alter any of the estates

rights interests trusts powers authorities discretions or privileges of the Undertakers whether as trustees of the trust term or otherwise nor shall (except with the consent in writing of the Undertakers) extend or apply to any land of the Undertakers which from time to time is not appropriated by them for the purposes of their docks and works.

Provision for General Acts relating to docks &c.

72. Nothing in this Act shall exempt the works by this Act authorised or the Undertakers in respect thereof from the provisions of any present or future General Act relating to docks or dues on shipping or railways or from any future revision or alteration under the authority of Parliament of any of the tolls rates and charges by this Act authorised or from the provisions of the Merchant Shipping Act 1854 or of any Acts amending that Act or from any present or future General Acts relating to lights buoys and beacons or the rights powers or privileges of the general lighthouse authorities.

17 & 18 Vict c. 104.

Provision as to General Railway Acts.

73. Nothing herein contained shall be deemed or construed to exempt the railways by this Act authorised to be made from the provisions of any General Act relating to railways 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 authorised by this Act.

Repeal of enactments in Schedule (B).

74. From and after the passing of this Act the enactments set forth in Schedule (B) to this Act annexed shall be and the same are hereby repealed without prejudice to anything done or suffered before the passing of this Act or to the recovery of any penalty rate charge or sum payable incurred or due before the passing of this Act or any proceeding pending at the passing of this Act and any such penalty rate charge or sum may be recovered and any such proceeding may be continued as if this Act had not been passed.

Costs of Act.

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

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

A.D. 1882. An Agreement made this twenty-third day of December one thousand eight hundred and eighty-one between The Most Honourable John Patrick Crichton Stuart Marquess of Bute K.T. (herein-after called the said Marquess) of the first part The Honourable Henry Dudley Ryder of 59 Strand in the county of Middlesex Lord Edmund Bernard Talbot of Eaton Terrace in the said county and Frederick Pitman of 48 Castle Street in the city of Edinburgh writer to the signet the present trustees of a term of one thousand five hundred years created by the will of the late Marquess of Bute in his Glamorganshire estates and herein-after called the trustees of the second part and The Rhymney Railway Company (herein-after called the Company) of the third part.

Whereas by virtue of an agreement dated the twenty-eighth day of February one thousand eight hundred and fifty-five and made between the Company of the one part and the trustees for the time being of the said term of the other part as modified by a memorandum endorsed thereon and dated the eighth day of June one thousand eight hundred and fifty-eight and of an agreement dated the twenty-sixth day of December one thousand eight hundred and fifty-six and made between the Company of the one part and the trustees for the time being of the said term of the other part and of an agreement dated the eighth day of June one thousand eight hundred and fifty-eight and made between the trustees for the time being of the one part and the Company of the other part and usually known by way of distinction as the Agreement No. 3 and of an agreement dated the first day of January one thousand eight hundred and sixty-two and made between the Company of the one part and the trustees for the time being of the said term of the other part the Company are entitled to a lease of certain lands and hereditaments devised by the will of the late Marquess of Bute and situate at Cardiff in the county of Glamorgan for a term of two hundred and fifty years from the date of such lease and the herein-before mentioned agreements together with the said endorsed memorandum are herein-after included in the expression the leasing agreement:

And whereas by virtue of an agreement dated the seventh day of June one thousand eight hundred and sixty-seven and made between the trustees for the time being of the said term of the one part and the Company of the other part and of a memorandum endorsed thereon and dated the eighth day of August one thousand eight hundred and seventy-one the trustees are entitled to an under-lease of parts of the last-mentioned lands and hereditaments for the unexpired residue of the Company's term of two hundred and fifty years therein less the last day of the said term but subject to a proviso by which either party to the said agreements is entitled to determine the said under-lease by giving twelve calendar months notice to the other party:

Now these presents witness, and for the considerations herein-after appearing, it is hereby agreed and declared between and by the parties hereto as follows, that is to say:—

1. This agreement shall not come into operation unless and until the same shall be confirmed by Parliament and if so confirmed the same shall commence and take effect on or as from the day on which the Act by which the same is confirmed receives the Royal assent.

2. The expression "the dock owners" means and includes (according to their respective estates and interests) the trustees and the said Marquess and generally the persons entitled whether in possession remainder or reversion to the docks herein-after mentioned and the wharves railways sidings and other lands and hereditaments held therewith under the will of the late Marquess of Bute and the several Acts of Parliament relating to the said will or to the said docks or any of them.

The expression "Tyndall Street Junction" means the junction between the Company's low level and high level lines of railway at or near Tyndall Street Bridge and is marked on the plan annexed hereto with the letter "A."

The expression "the Bute Viaduct Junction" means the junction of the Bute Viaduct Railway belonging to the dock owners with the Company's dock branch north of Tyndall Street and is marked on the said plan with the letter "B."

The expression "the high level embankment" means that part of the embankment constructed by or on behalf of the Company on a high level south of Tyndall Street Junction and coloured pink and surrounded by a broken or dotted black line on the said plan.

3. The said Marquess shall within two years from the date of this agreement commence or cause to be commenced and shall within seven years from the date of this agreement complete or cause to be completed the construction of the dock at Cardiff authorised by the Bute Docks Act 1874 and commonly called the Roath Dock or some other dock in lieu thereof in the immediate vicinity of the Roath Basin now existing.

4. The herein-before recited agreements of the seventh day of June one thousand eight hundred and sixty-seven and the eighth day of August one thousand eight hundred and seventy-one, and also a working agreement dated the first day of April one thousand eight hundred and seventy-seven and made between the trustees for the time being of the said term by John McConnochie their agent of the one part and the Company by Cornelius Lundie their agent of the other part shall from and after the commencement of this agreement be absolutely determined.

5. The lands and hereditaments next herein-after mentioned and herein-after called the excepted hereditaments shall as from the commencement of this agreement be excepted or excluded from the lease to which the Company are entitled under the leasing agreement (that is to say) the wharf of the Company on the east side of the Bute East Dock together with the several staiths and sidings thereon and approaches thereto coloured pink on the said plan and striped and the high level embankment of the Company and the high level system of sidings thereon extending northwards as far as Tyndall Street Junction which excepted hereditaments are shown on the said plan and the dock owners shall from and after the commencement of this agreement be entitled to the excepted hereditaments as the absolute owners thereof free from all claim by or on the part of the Company under the leasing agreements or any of them

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Provided always that the excepted hereditaments shall continue subject to such running powers of the London and North-western Railway Company and other railway companies as are now subsisting over the same or any part thereof.

6. The Company shall grant to the dock owners the right to use free of charge but subject to all reasonable regulations the Tyndall Street Junction and the Bute Viaduct Junction and also a sufficient length of the Company's Bute Dock branch between those junctions and northwards thereof to enable the dock owners to transfer traffic from one side of the Bute East Dock to the other side of the same dock. The expense of working and maintaining the said two junctions together with the signals and points connected therewith shall be borne by the dock owners but the pointsmen shall be appointed by the Company and shall be subject to their regulations.

7. From and after the commencement of this agreement the several rents royalties and periodical and other sums of money payable by the Company under the leasing agreements or any of them shall cease to be payable and in lieu thereof the Company shall pay to the dock owners and there shall accordingly be reserved in the lease to be granted in pursuance of the leasing agreements as hereby varied the following rents and royalties or sums in the nature of rent (that is to say) :—

(*a*) A yearly rent or sum of £2,561 2*s.* 10*d.*

(*b*) So long as the Company's railways south of Crockherbtown Junction form as at present the sole access for traffic between the Taff Vale Railway system at Crockherbtown and the Roath Basin and the proposed new dock (when constructed) respectively a royalty or sum (herein-after called a tonnage rent) of £14 for every 10,000 tons of traffic passing in either direction over the Company's railways between the Taff Vale Railway Company's Crockherbtown Junction and the proposed new dock in respect of which traffic tolls were made payable to the Company by the Bute Docks Acts 1866 and 1874 or either of them.

8. The said Marquess and the Trustees shall release the Company from the debt of thirteen thousand one hundred and eighty-nine pounds nineteen shillings and sixpence mentioned in Article 2 of the said agreement of the first day of January one thousand eight hundred and sixty-two.

9. Notwithstanding the stipulations contained in Article 1 of the herein-before mentioned agreement of the eighth day of June one thousand eight hundred and fifty-eight and numbered 3 the dock owners shall from and after the commencement of this agreement be entitled to use for coal and coke traffic the several lines of railway and sidings connected therewith mentioned and described in clause 1 of the said Agreement No. 3.

10. The Company shall deliver traffic destined for the staiths on the Bute East Dock whether in connexion with the high level embankment or on the low level or quays of the Bute East Dock and for staiths on the Roath Basin and for staiths on the proposed New Dock upon the railways or sidings leading to such staiths respectively and in case of any of the staith-sidings or approaches thereto being already occupied the Company shall deliver the traffic either into the system of sidings on the high level and the low level respectively in connexion with the staiths at the Bute East Dock for which the traffic may be destined or as the case may be into such of the sidings constituting the system of sidings attached to the Roath Basin and New Dock respectively in connexion

with the respective staiths at such basin and New Dock respectively as shall at the time be capable of receiving it as herein-after mentioned and in such manner as may from time to time be directed by the dock owners and after shipment of the coal or coke at the several staiths the empty waggons shall be placed by the dock owners in the sidings leading from the several staiths and the Company's engines shall forthwith take such empty waggons away therefrom free of charge if and so soon as they are or become accessible to such engines. It being understood that in placing the loaded waggons upon the several sidings as well as in removing the empty waggons therefrom respectively the Company shall not in dealing with the component parts of each train be obliged to make more than two shunts upon each system of sidings or upon any siding not forming a portion of a system of sidings.

11. The Company shall not charge a higher road toll than one half-penny per ton in respect of traffic passing between Crockherbtown Junction and high-level staiths on the Bute East Dock.

12. The Company will (in addition to the powers herein-before given in clause 6) also grant to the dock owners the right to use such portions of the lines of railway of the Company at the Bute Docks as will enable them to transfer and remove between any or either of the following places interchangeably (that is to say) East Dock (west side) East Dock (east side) Roath Basin proposed new dock all coal and coke traffic which shall originally have been bonâ fide destined for shipment at one or other of the said places and such right of user shall extend to any other user of the said portions of the Company's railway lines reasonably incidental to or arising out of such transfer and removal but not to the user of the Company's railway lines for any other purpose. The dock owners shall pay to the Company for such user an uniform road toll of one half-penny per ton on all coal and coke so transferred and removed over the Company's lines but such road toll is not to apply to coal screenings produced from coal which has already paid tolls to the Company. And this provision is not to interfere with or impair the right herein-before granted to the dock owners to use free of charge the Company's railway north of Tyndall Street Junction for the purpose of transferring traffic from one side of the East Dock to the other side of the same dock.

13. The Company may without making any compensation or other payment to the dock owners build efficient retaining walls on the east side of the high-level embankment on the site of the broken or dotted black line marked P. and Q. on the said plan in place of the slope by which that part of such embankment is at present supported or any part of such slope so as to enable the Company to utilise for the purpose of constructing an additional low-level line of railway on the land lying to the east of the said broken or dotted black line and all necessary and proper stipulations for enabling them to to do shall be inserted in the lease to be granted in pursuance of the leasing agreements as varied by this agreement and in the event of the Company's dock branch as now existing becoming insufficient to meet the requirements of increased traffic the Company shall within a reasonable time construct such additional line of railway as herein-before mentioned. And in case of difference the question of such insufficiency shall be determined by arbitration as herein-after provided. Provided always that in the meantime and until so much of the said slope as lies to the east of the said line P. Q. is required by the Company for the

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purpose of constructing an additional low-level line of railway as herein-before mentioned the last-mentioned portion of the said slope may be used by the dock owners for the construction of high-level sidings and otherwise as they shall think fit in like manner to all intents and purposes as if the same were part of the said accepted hereditaments.

14. The Company shall not directly or indirectly oppose any application to Parliament on the part of the dock owners for such a modification of their existing statutory obligations as will enable them to make a reasonable charge for providing siding accommodation and performing terminal services in connexion with the traffic at the Bute Docks as prescribed by the Bute Docks Acts 1865 1866 and 1874 or any or either of them.

15. So long as the Company continue to pay the royalties on traffic shipped and unshipped at the proposed new dock and herein-before agreed to be paid by way of additional rent the dock owners shall not grant in respect of traffic passing between the Taff Vale Railway system and the proposed new dock any advantages by way of tolls or otherwise beyond those granted in respect of traffic of the Company passing between the same places nor shall the dock owners concur in or be parties to any arrangement which may prejudicially affect the Company as the owners of the railway giving sole access from the Company's Crockherbtown Junction to the Roath Basin and the proposed new dock respectively under the provisions of the several Acts of Parliament relating thereto.

16. All matters of difference between the parties hereto or any of them arising under these presents or under the leasing agreements or any of them shall be settled by arbitration in conformity with the enactments of the Railway Companies Arbitration Act 1859 and for the purposes of this agreement the expression railway company in the said Act shall extend to and include the said Marquess and the Trustees and the provisions of the said Act shall be incorporated with this agreement in the same manner as if the same were herein repeated at length.

As witness the hand of WILLIAM THOMAS LEWIS on behalf of the dock owners and the hand of CORNELIUS LUNDIE on behalf of the Company.

Witness to the signature of the above-named William Thomas Lewis—
L. V. SHIRLEY,
Solicitor,
Cardiff.
} W. THOMAS LEWIS.

Witness to the signature of the above-named Cornelius Lundie—
RICHARD EVANS,
Clerk to the Rhymney Railway Company, Cardiff.
} COR. LUNDIE.

SCHEDULE (B).

Setting forth enactments repealed by the foregoing Act.

Year and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. cccxxv. -	The Bute Docks Act 1865	Sections seventy-nine and eighty.
29 & 30 Vict. c. ccxcvi. -	The Bute Docks Act 1866	Sections thirty-four thirty five forty-nine.
37 & 38 Vict. c. cxviii. -	The Bute Docks Act 1874	Sections eighteen to thirty-one both inclusive sections thirty-five thirty-eight forty-five and forty-six.

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