CHAPTER cxli.

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An Act to incorporate a Company for the Construction of a Railway between Cowbridge and Aberthaw; and for other purposes. [12th August 1889.]

WHEREAS the construction of the railway herein-after described between Cowbridge and Aberthaw in the county of Glamorgan would be of public and local advantage:

And whereas the persons in this Act named are willing with others at their own expense to construct such railway and are desirous of being incorporated into a company for the purpose:

And whereas plans and sections of the said railway showing the line and levels thereof with a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the said railway will pass were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the agreement between the Taff Vale Railway Company and the Company which is set forth in the Second Schedule to this Act should be confirmed:

And whereas the purposes aforesaid cannot be accomplished without the authority of Parliament:

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

Short title.

1. This Act may be cited as the Cowbridge and Aberthaw Railway Act 1889.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 Part I (relating to cancellation and surrender of shares) and Part III (relating to

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debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I (relating to construction of a railway) and Part III (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction The expression "the Company" means the Company incorporated by this Act the expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Thomas Rees Daniel Owen Oliver Henry Jones Colonel John Hobart Tyler David Jenkins Sir Morgan Morgan Knight Colonel John Morgan John Thomas and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Cowbridge and Aberthaw Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited

book of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act is—

A railway six miles three furlongs six chains and thirty-three links in length commencing in the parish of Llanblethian by a junction with the Cowbridge railway at or near its termination at Cowbridge station and terminating at or near East Aberthaw in the parish of Penmark in the field numbered 376 on the large scale 25-inch Ordnance map.

Capital.

6. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each.

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

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

8. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to divide shares.

9. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half-shares of which one shall be called "preferred half-share" and the other shall be called "deferred half-share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half-share (being the whole amount payable thereon) and the residue to the credit of the preferred half-share.

Dividends on half-shares.

10. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half-shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half-share and the remainder (if any) in payment of

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dividend on the deferred half-share and the Company shall not pay any greater amount of dividend on the two half-shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred half-shares to be paid out of the profits of the year only.

11. Each preferred half-share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half-share bearing the same number But if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half-share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half-shares to be registered and certificates issued.

12. Forthwith after the creation of any half-shares the same shall be registered by the directors and each half-share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half-shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof But the directors shall not be bound to issue a certificate of any half-share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue of half-shares to be stated on certificates.

13. The terms and conditions on which any preferred half-share or deferred half-share created under this Act is issued shall be stated on the certificate of each such half-share.

Forfeiture of preferred half-shares.

14. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half-shares created under the authority of this Act and every such preferred half-share shall for that purpose be considered an entire share distinct from the corresponding deferred half-share and until any forfeited preferred half-share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half-shares not to be cancelled or surrendered.

15. No preferred half-share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half-shares to be half-

16. The several half-shares under this Act shall be half-shares in the capital of the Company and every two half-shares (whether

preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share. shares in capital.

17. The Company may in respect of the capital of ninety thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole the sum of thirty thousand pounds but no part of such sum shall be borrowed until shares for the whole of the capital are issued and accepted and one-half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of the capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof. Power to borrow.

18. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole. For appointment of a receiver.

19. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured Debenture stock.

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by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Receipt clause in case of persons not sui juris.

20. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Application of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First ordinary meeting.

22. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

23. The number of directors shall be five but the Company may from time to time reduce and increase the number provided that the number be not less than three nor more than five.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares

Quorum.

25. The quorum of a meeting of directors shall be three.

First directors.

26. Daniel Owen Sir Morgan Morgan Knight and Colonel John Morgan and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election And at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing or increasing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Election of directors.

Lands for extra-ordinary purposes.

27. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845

any quantity of land not exceeding five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

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

Power to divert streams.

29. The Company may divert the streams numbered respectively on the deposited plans 46 in the parish of Llancarvan and 11 in the parish of St. Athan in the manner shown upon the said plans.

Power to take easements &c. by agreement.

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

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

31. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or property numbered on the deposited plans 28 in the parish of Penmark and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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Confirming agreement with Vale of Glamorgan Railway Company.

32. The agreement between Daniel Owen of the one part and Edmund Lyons Evan-Thomas of the other part as set forth in the First Schedule to this Act is hereby confirmed and made binding upon the Company and the Vale of Glamorgan Railway Company and shall be carried into effect accordingly Provided always that within three months from the date from which the grant of easement contemplated by the said agreement shall take effect a duly stamped deed of grant or a Queen's Printers' copy of this Act stamped with the same duty as such deed of grant would be liable to shall be produced to the Commissioners of Inland Revenue by the Company or the Vale of Glamorgan Railway Company and in default of production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date at which such deed of grant or copy of the Act should have been produced to the date of production shall be recoverable from the Company or the Vale of Glamorgan Railway Company together with full costs of suit and all costs and charges attending the same.

Restrictions on displacing persons of labouring class.

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

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme:

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit:

(4) Any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court of Justice:

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the Court may if it think fit reduce such penalty:

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections one hundred and seventy-six and two hundred and ninety-seven of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act:

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be

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authorized to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit:

(8) So much of section one hundred and fifty-seven of the Public Health Act 1875 as provides that the provisions of that section and of sections one hundred and fifty-five and one hundred and fifty-six of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section:

(9) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that board under the Public Health Act 1875:

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector:

(11) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Deposit money not to be repaid except so far

34. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of four thousand one hundred

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and fifty pounds six shillings and sixpence two pounds fifteen shillings per centum consolidated stock being equal in value to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act which sum is referred to in this Act as "the deposit fund" Therefore be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway 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 portion of the railway so opened bears to the entire length of the railway the High Court of Justice in England shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary nothwithstanding.

as railway opened.

35. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railway complete and open the same for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway 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 Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall

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be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court 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 in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof 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.

Period for completion of works.

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

Power to take tolls.

37. It shall be lawful for the Company to demand and take upon or in respect of the railway any tolls not exceeding the following (that is to say) :—

Tonnage on goods &c.

In respect of the tonnage of all articles conveyed thereon or upon any part thereof and included in the following classes :—

Class 1. For all dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways not exceeding for the use of the railway one penny per ton per mile and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one half-penny :

Class 2. For all coals coke culm charcoal and cinders all stones for building pitching and paving all bricks tiles slates clay sand ironstone and iron ore pig iron bar iron rod iron hoop iron and all other similar descriptions of

wrought iron and iron castings not manufactured into utensils or other articles of merchandise not exceeding for the use of the railway one penny half-penny per ton per mile and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one half-penny :

Class 3. For all sugar grain corn flour dyewoods earthenware timber staves and deals metals (except iron) nails anvils vices and chains not exceeding for the use of the railway two pence per ton per mile and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding three farthings :

Class 4. For all cotton and other wools hides drugs fish manufactured goods and all other wares merchandise articles matters or things not exceeding for the use of the railway three pence per ton per mile and if conveyed in carriages provided by the Company an additional sum per ton per mile not exceeding one penny :

Class 5. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton not exceeding for the use of the railway and of any truck or platform provided by the Company six pence per mile and for every additional quarter of a ton or fractional part of a quarter of a ton beyond one ton which any such carriage may weigh an additional sum not exceeding one penny half-penny.

Tolls for animals.

In respect of animals conveyed in carriages upon the railway as follows :—

Class 6. For every horse and ass and other beast of draught or burden conveyed in or upon any carriage not exceeding for the use of the railway three pence per mile and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny :

Class 7. For every ox cow bull or head of neat cattle not exceeding for the use of the railway two pence per mile and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny :

Class 8. For every calf or pig conveyed in or upon any carriage not exceeding for the use of the railway one penny per mile and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one farthing :

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Class 9. For every sheep lamb or other small animal conveyed in or upon any carriage not exceeding for the use of the railway three farthings per mile and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one farthing.

Tolls for passengers.

In respect of passengers conveyed in carriages upon the railway as follows :—

For every person conveyed in or upon any such carriage not exceeding for the use of the railway two pence per mile and if conveyed in or upon any carriage provided by the Company an additional sum per mile not exceeding one penny.

Tolls for propelling power.

38. For the use of any engine provided by the Company for drawing or propelling carriages on the railway the Company may demand any toll not exceeding one penny per mile for each passenger or animal and for each ton of goods or other articles in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations respecting tolls.

39. The following provisions and regulations shall be applicable to the fixing of the tolls and maximum rates of charge (that is to say) :—

For articles or persons conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :

With respect to passengers any fraction of a mile beyond three miles or beyond any greater number of miles shall be deemed one mile :

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may in respect of animals minerals and goods demand tolls and charges in proportion to the number of quarters of a mile contained in the fraction and for this purpose a fraction of a quarter of a mile shall be deemed a quarter of a mile :

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and for this purpose a fraction of a quarter of a ton shall be deemed a quarter of a ton :

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight :

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany beech teak or ash and fifty

cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity. A.D. 1889.

Tolls for small parcels and single articles of great weight.

40. With respect to small packages and single articles of great weight notwithstanding the rate of tolls prescribed by this Act the Company may lawfully demand tolls not exceeding the tolls following (that is to say) :—

For parcels not exceeding seven pounds in weight any sum not exceeding twopence :

For parcels exceeding seven pounds and not exceeding twenty-eight pounds any sum not exceeding fourpence :

For parcels exceeding twenty-eight pounds and not exceeding fifty-six pounds any sum not exceeding sixpence :

For parcels exceeding fifty-six pounds and not exceeding five hundredweight the Company may demand any sum which they think fit :

Provided always that articles sent in large aggregate quantities although made up of separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but such term shall apply only to single articles in separate packages :

For the carriage of any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons the Company may demand any sum not exceeding for the use of the railway sixpence per ton per mile :

For the carriage of any one boiler cylinder or single piece of machinery or single piece of stone timber or other single article the weight of which with the carriage shall exceed eight tons the Company may demand such sum as they shall think fit.

Passengers luggage.

41. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Maximum tolls for passengers.

42. The maximum rates of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and of carriages and for locomotive

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power and every other expense incidental to such conveyance shall not exceed the following sums:—

For every passenger conveyed in a first-class carriage threepence per mile:

For every passenger conveyed in a second-class carriage twopence per mile:

For every passenger conveyed in a third-class carriage one penny per mile.

Maximum tolls for goods.

43. The maximum rates of charge to be made by the Company for the conveyance of animals and goods articles matters and things including the tolls for the use of the railway and of carriages and for locomotive power and every other expense incidental to such conveyance (except a reasonable sum for loading covering and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other services incidental to the business or duty of a carrier where such services or any of them are or is performed by the Company) shall not exceed the amounts herein-after limited (that is to say):—

For matters herein-before comprised in Class 1 one penny half-penny per ton per mile:

For matters comprised in Class 2 one penny half-penny per ton per mile:

For matters comprised in Class 3 threepence per ton per mile:

For matters comprised in Class 4 fourpence per ton per mile:

For any carriage comprised in Class 5 not weighing more than one ton sixpence per mile and if weighing more than one ton sixpence per mile for the first ton and one penny half-penny per mile for every quarter of a ton or fractional part of a quarter of a ton beyond the first ton:

For every animal comprised in Class 6 fourpence per mile:

For every animal comprised in Class 7 twopence per mile:

For every animal comprised in Class 8 one penny per mile:

For every animal comprised in Class 9 three farthings per mile.

Terminal station.

44. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

45. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from

time to time by the Company for the conveyance of passengers and goods upon the railway. A.D. 1889.

Company may take increased charges by agreement.

46. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Application of provisions of Railway and Canal Traffic Act 1888 as to revision of rates.

47. Section twenty-four of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the Companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Power to enter into contracts as to junctions.

48. The Company on the one hand and the Cowbridge Railway Company and the Taff Vale Railway Company (in this Act referred to as "the two Companies") or either of them on the other hand may from time to time subject to the provisions of this Act enter into and carry into effect contracts agreements and arrangements with respect to the following purposes or any of them (that is to say):—

The point at which the mode in which and the terms and conditions upon which the junction of the railway with the Cowbridge Railway shall be made:

The alteration reconstruction use management and maintenance of any of the stations platforms sidings works and conveniences of the two Companies respectively for the purposes of such junction:

The construction use management and maintenance of new stations platforms sidings works and conveniences upon the railways of the two Companies respectively for the purposes of or in connection with such junction.

Confirming agreement with Taff Vale Railway Company.

49. The agreement set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the Taff Vale Railway Company and the Company respectively and full effect may and shall be given thereto Provided always that the said agreement shall be subject to revision by the Railway and Canal Commission

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in the manner provided by section twenty-seven of the Railways Clauses Act 1863 as amended by the Railway and Canal Traffic Acts 1873 and 1888.

As to short-distance charge where running powers exercised.

50. Where under the provisions of this Act traffic is conveyed partly on the railway and partly on the railway of another railway company the railways of the Company and of such other railway company shall for the purpose of short-distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway by this Act authorised and partly on the railway of another company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short-distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the railway of such other railway company.

Power to pay interest out of capital during construction.

51. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any moneys by this Act authorised to be raised to pay interest at such rate not exceeding three pounds ten shillings per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed eight thousand pounds and the amount so paid shall not

be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

52. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Saving rights of the Crown in the foreshore.

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

Provision as to general Railway Acts.

54. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of

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railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the fifteenth day of July one thousand eight hundred and eighty-nine Between Daniel Owen of Ash Hall near Cowbridge in the County of Glamorgan Esquire (on behalf of the Promoters of the Cowbridge and Aberthaw Railway Bill and of the Cowbridge and Aberthaw Railway Company proposed to be incorporated by that Bill) of the one part and Edmund Lyons Evan-Thomas of the Dock House Billiter Square in the City of London Ship Owner (on behalf of the Promoters of the Vale of Glamorgan Railway Bill and the Vale of Glamorgan Railway Company proposed to be authorised by that Bill) of the other part.

Whereas the said Daniel Owen is one of the first directors named in a Bill which has been introduced into and is now pending in Parliament to incorporate a company for the construction of a railway from Cowbridge to East Aberthaw in the county of Glamorgan and for other purposes (which company and railway are herein-after referred to as the "Cowbridge Company" and "Cowbridge Railway" respectively) And whereas the said Edmund Lyons Evan-Thomas is one of the first directors named in a Bill which has been introduced into and is now pending in Parliament to incorporate a company for the construction of railways in the Vale of Glamorgan and for other purposes (which company and railway are herein-after referred to as the "Vale of Glamorgan Company" and the "Vale of Glamorgan Railway" respectively) And whereas the lines of the Cowbridge Railway and of the Vale of Glamorgan Railway as shown on the respective deposited plans relating thereto will cross each other at the point and in manner shown on the plan hereto annexed but the level of the line of the Cowbridge Railway is considerably lower than the level of the line of the Vale of Glamorgan Railway And whereas the promoters of the Vale of Glamorgan Railway have presented a petition to Parliament in opposition to the Bill of the Cowbridge Company and it has been agreed between the parties hereto that such petition shall be withdrawn on the terms herein-after appearing:

Now it is hereby mutually agreed as follows:—

1. In the event of both Companies obtaining the Acts for their incorporation the Cowbridge Company shall have the sole right for a period of six months after the date of the passing of their Act of Incorporation to acquire the lands at the point of intersection of the said two railways as shown on the plan hereto annexed and in the event of their doing so they shall sell and grant to the Vale of Glamorgan Company a perpetual easement or right of using

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subject to the other provisions of this agreement so much of the lands so acquired by the Cowbridge Company as may be necessary for the construction and maintenance of the railway of the Vale of Glamorgan Company and the works necessary and incident thereto and the Vale of Glamorgan Company shall pay for the said easement or right a sum equal to one-half of the price at which the Cowbridge Company acquired the same lands.

2. If and so far as the Cowbridge Company shall neglect to acquire the land at the point of intersection of the two lines within the period aforesaid the Vale of Glamorgan Company may acquire the said land and in that case they shall grant the Cowbridge Company an easement over the said land on terms corresponding to those herein-before provided in the event of the Cowbridge Company acquiring the said land.

3. The Vale of Glamorgan Railway No. 1 shall be carried over the Cowbridge Railway by a bridge to be constructed for a double line both under and over and of a width between the parapets and abutments of not less than twenty-five feet and the cost of its construction shall be borne in equal shares between the two Companies but the said bridge shall belong to and be maintained by the Vale of Glamorgan Company.

4. The Vale of Glamorgan Company shall not construct their railway or acquire any land south of the dotted red line A B C shown on the plan hereto annexed nor shall the Cowbridge Company construct their railway or acquire any land north of the same line.

5. No alteration shall be made by either Company in the levels of their respective railways as shown on the deposited sections at the said point of intersection without the consent in writing of the engineer of the other Company.

6. This agreement is to be confirmed by the Cowbridge Company's Act of Incorporation subject to such alterations as Parliament may see fit to make therein but if the Committee on the Bill confirming the same make any material alteration herein it shall be competent to either party to withdraw the agreement.

7. Upon the signing of this agreement the promoters of the Vale of Glamorgan Railway will forthwith withdraw their said petition against the Cowbridge and Aberthaw Railway Bill.

As Witness the hands of the said parties.

DANIEL OWEN.

Witness,
Naunton W. Davies, F.R.C.S., Bridgend.

E. L. EVAN-THOMAS.

Witness,
W. Gordon Waterman,
66, Hemingford Road,
Barnsbury, N.

SECOND SCHEDULE.

AN AGREEMENT made the twenty-fifth day of May one thousand eight hundred and eighty-nine Between THE TAFF VALE RAILWAY COMPANY (herein-after called "the Taff Vale Company") of the one part and DANIEL OWEN of Ash Hall near Cowbridge in the county of Glamorgan Esquire Sir MORGAN MORGAN of Cardiff in the said county Knight and Colonel JOHN MORGAN of Brecon in the county of Brecon banker on behalf of the promoters of a Bill now pending in Parliament and entitled "An Act to incorporate a Company for the Construction of a Railway "between Cowbridge and Aberthaw and for other purposes" (herein-after called "the Promoters") of the other part It is mutually agreed between the Taff Vale Company and the Promoters as follows:—

1. That in the event of the said Bill (herein-after referred to as "the Bill") passing into law the Promoters or the Company to be incorporated by the Bill (herein-after referred to as "the Company") shall with all possible despatch at their own expense construct and complete the railways proposed to be authorised by the Bill as the same may pass into law including all necessary and proper junctions signals interlocking apparatus and other works and conveniences at the intended junction of that railway with the railway of the Taff Vale Company (so far as signals may be necessary thereat) and including also stations with all necessary and proper works and conveniences so that the same may form a complete and convenient single line of railway for local and through purposes between the railway of the Taff Vale Company at Cowbridge and Aberthaw as provided by the Bill land being purchased for a double line of railway throughout between the foregoing points.

2. The Taff Vale Company shall be consulted by the Promoters or the Company upon all matters relating to the construction of the proposed railway and such railway shall be constructed in accordance with plans drawings specifications and prices to be approved from time to time by the principal engineer for the time being of the Taff Vale Company and any contract made with any contractor for the execution of works shall provide for the due execution of the works to the reasonable satisfaction of the Taff Vale Company within a time to be limited and shall be subject in all respects to the approval of the Taff Vale Company in writing.

3. From and after the completion of the railway authorised by the Bill the same shall be maintained and worked in perpetuity by the Taff Vale Company and all expenses in connexion with such maintenance and working and as to repairs management Government duty Clearing House charges taxes directors' fees office administration and other expenses shall be paid by the Taff Vale Company and the gross earnings of the said railway shall be received by and shall belong to the Taff Vale Company.

4. The Taff Vale Company shall from and out of the gross earnings of the railway authorised by the Bill and out of the gross earnings arising from traffic in connexion with the railway passing over the railways of the Taff Vale Company provide and annually pay to the Promoters or the Company a toll or

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sum which shall be equal in amount to interest at the rate of three and a half per centum per annum on the actual outlay by the Promoters or the Company on the construction of the railway authorised by the Bill in accordance with the terms of this agreement and such toll or sum shall be payable and paid by the Taff Vale Company from the day on which the railway authorised by the Bill shall be completed as aforesaid Provided always that the Taff Vale Company hereby guarantee that the said toll or sum shall never be less than three and a half per centum per annum on such actual outlay as aforesaid.

5. For the purposes of this agreement the actual outlay by the Promoters or the Company on the construction of the railway authorised by the Bill shall be deemed to include and shall include the aggregate of the payments made in respect of the several following objects (that is to say) In payment of the costs incurred in purchasing the lands required for and in constructing the railway and works authorised by the Bill including all parliamentary legal engineering and other expenses connected therewith or incidental thereto and all sums paid out of capital by way of interest during the construction of the railway and in payment of all other the actual cash expenditure of the Promoters or the Company with interest at the rate of £5 pounds per cent. per annum upon all expenditure incurred by the Promoters or the Company during the construction of the said railway and works from the date of actual payment up to and including the date of the user of such railway by the Taff Vale Company.

6. The amount of the actual outlay incurred by the Promoters or the Company in respect of which toll shall be payable as aforesaid by the Taff Vale Company shall be subject to the other provisions of these presents in relation thereto and be ascertained and certified by the engineer to the Company and the engineer to the Taff Vale Company respectively and in the event of dispute or difference between them by an arbitrator or umpire to be chosen by such engineers jointly.

7. All payments herein provided for to be made by the Taff Vale Company shall be made by them by half-yearly payments and not later than the first days of February and August in each and every year.

8. The Taff Vale Company on payment to the Promoters or the Company at any time of an agreed sum or in default of agreement of a sum to be settled by arbitration in manner provided by the Common Law Procedure Act 1854 for and in respect of the costs charges and expenses of obtaining the said Act or fairly relating thereto (including professional charges and expenses of solicitor parliamentary agent and engineer) shall be at liberty to apply to Parliament in the then next or any other session for an Act to transfer the powers vested in the Company by the Act to the Taff Vale Company and to vest in the Taff Vale Company the undertaking of the Company and thereupon the Promoters or the Company shall so far as may be necessary assist the Taff Vale Company in obtaining such intended powers of transfer and vesting without any further charge or expense to the Taff Vale Company otherwise than may be caused to the Promoters or the Company by the rendering of such assistance or otherwise and upon such payment as aforesaid the provisions of these presents with reference to the construction of the railway by the Company and the payments to be made by the Taff Vale Company shall cease and have no effect.

9. This agreement so far as the same can be legally done shall be carried out under the provisions of the Bill now pending and if any further powers are necessary from Parliament the same shall be applied for by the Taff Vale Company at their own expense and the Company shall concur in such application.

10. These heads of agreement are subject to the sanction of Parliament and to such alterations as Parliament may think fit to make therein.

In witness thereof the said Taff Vale Railway Company have hereunto caused their common seal to be set and affixed and the said other parties hereunto have set their hands and seals the day and year first before written.

Seal of the Taff Vale Railway Company.

DANIEL OWEN. L.S.

MORGAN MORGAN. L.S.

JOHN MORGAN. L.S.

Signed sealed and delivered by the above-named Daniel Owen and John Morgan in the presence of

J. L. JENKINS,
Solicitor,
Cardiff.

Signed sealed and delivered by the above-named Morgan Morgan in the presence of

ARTHUR W. PRITT,
7, Great George Street, Westminster,
Parliamentary Agent.

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for
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