CHAPTER xcv.

An Act for making a Tramroad in the county of Glamorgan in connexion with the undertaking of the Pontypridd Waterworks Company and for other purposes. A.D. 1894.

[20th July 1894.]

WHEREAS by the Pontypridd Waterworks Act 1864 (in this Act referred to as the Act of 1864) the Pontypridd Waterworks Company (in this Act referred to as the Company) were incorporated and authorised to construct waterworks and to supply water to and within the town of Pontypridd and the parishes of Llanwonno Eglwysilan Llantwitfardre and Llantrissant in the county of Glamorgan:

And whereas by the Pontypridd Waterworks Act 1875 (in this Act referred to as the Act of 1875) the Company were authorised to construct new or additional waterworks and their limits of supply were extended so as to include portions of the Rhondda Fawr and Rhondda Fach Valleys in the adjoining parish of Ystrad-y-fodwg in the said county:

And whereas by the Pontypridd Water Order 1883 (in this Act referred to as the Order of 1883) which was duly confirmed by Parliament the Company were authorised to raise additional capital for completing improving and extending the waterworks authorised by the Act of 1864 and the Act of 1875 and for laying down mains pipes and other works of distribution in connexion with such waterworks:

And whereas by the Pontypridd Waterworks Act 1892 (in this Act called the Act of 1892) the Company were empowered to construct the additional waterworks described in that Act in order to obtain a further supply of water for the increasing population of their district:

And whereas the waterworks authorised by the Act of 1892 include a reservoir to be formed by a high embankment two hundred yards or thereabouts in length across the valley of the

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Rhondda Fach River and extending up the river for a distance of four furlongs or thereabouts and also two service tanks with filter-beds attached and several conduits all of which the Company are preparing to construct but there is no available road in that mountainous district for the conveyance of the machinery and materials required for the said works and the wayleave which the Company relied upon they have been and are now unable to obtain:

And whereas it is expedient that the Company be authorised to construct and use the unfenced narrow gauge tramroad herein-after described to be worked by horse power only for the conveyance of the machinery and materials for the before-mentioned works and other works in connexion therewith or in addition thereto which may afterwards be found requisite and be afterwards used from time to time when necessary in the maintenance and repair thereof and to increase their capital and apply the same for that purpose:

And whereas the land through or over which the tramroad will be made or pass is uncultivated rough pasture or mountain land and the making and maintaining of the tramroad herein-after described to facilitate the construction of the works authorised by the Act of 1892 would be of public and local advantage:

And whereas Lockets Merthyr Steam Coal Company Limited (in this Act called "the coal company") are possessed for a term of years expiring on the first day of December one thousand nine hundred and fifty-seven of a railway from Maerdy Station to the collieries of the coal company and it is expedient that the Company be authorised to run over and use part of the said railway until the expiration of the said lease subject to the terms and conditions by this Act provided:

And whereas plans and sections showing the line situation and levels of the tramroad authorised by this Act and the lands which may be taken under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerk of the peace for the county of Glamorgan and are herein-after referred to as the deposited plans sections and books 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):—

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Short title.

1. This Act may be cited as the Pontypridd Waterworks (Tramroad) Act 1894.

Incorporation of Acts.

2. The Lands Clauses Acts and sections 11 12 15 and 16 of the Railways Clauses Consolidation Act 1845 so far as the same are applicable and not inconsistent with the provisions of this Act are incorporated with and form part of this Act For the purposes of the said sections of the Railways Clauses Consolidation Act 1845 the tramroad shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Interpretation.

3. In this Act terms to which meanings are assigned in the Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings And for the purposes of this Act—

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or 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:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

The expressions "the railway" and "the work" mean the tramroad and works connected therewith by this Act authorised.

Power to make tramroad.

4. 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 tramroad herein-after described with all proper rails plates sleepers 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 books of reference as may be required for such purpose The tramroad herein-before referred to and authorised by this Act is as follows:—

A tramroad two miles three furlongs and nine chains in length commencing at a point seven yards or thereabouts measured in a northerly direction from the northern termination of the railway siding in the Taff Vale Railway Company's goods yard at Maerdy in the parish of Ystrad-y-fodwg and terminating at the north-eastern corner of the sheepfold situate on the eastern bank of the Rhondda Fach River at a point three furlongs or thereabouts measured up the said river from the bridge called Pontlluest Wen which carries the public road across the said river in the parish of Aberdare which intended tramroad will pass from in through or into or be situate

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within the parishes of Ystrad-y-fodwg and Aberdare in the county of Glamorgan:

Provided always that the Company shall not except by agreement enter upon take or use for the construction of the said tramroad or any other of the purposes of this Act any lands belonging to the Marquess of Bute.

Gauge and motive power.

5. The tramroad shall be constructed on a gauge of three feet and the waggons or trucks run thereon shall be moved exclusively by animal power.

Limits of deviation.

6. In the construction of the tramroad authorised by this Act the Company may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet.

Tramroad not to be fenced.

7. Where the tramroad passes through any fence or crosses any road or public footpath suitable gates shall be erected across the tramroad to make good any gaps made in the fences and prevent the straying of cattle or sheep but the tramroad shall not be otherwise fenced so as permanently to sever any land through which it passes:

As to gates at level crossing of road in parish of Aberdare.

Provided that suitable gates with safety points shall be provided by the Company to safeguard the level crossing of the public road numbered 30 on the deposited plans in the parish of Aberdare.

Purchase of lands by agreement.

8. In addition to the lands occupied by the tramroad and to any other lands which the Company are under any former Act or this Act authorised to take or purchase the Company may by agreement purchase and hold for the purposes of this Act and for the general purposes of their undertaking any lands not exceeding in the whole five acres in extent Provided that the Company shall not create or permit any nuisance on any such lands and that no buildings shall be erected on such lands except such as are required for the purposes of the undertaking of the Company.

Power to take easements &c. by agreement.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act 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.

Period for compulsory purchase of lands.

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

Company not to enter upon land of Taff Vale Railway Company without consent.

11. Notwithstanding anything shown on the deposited plans or described in the deposited books of reference the Company shall not under the powers of this Act enter upon or take any land of the Taff Vale Railway Company unless with the written consent of that Company under their common seal.

Restriction on taking houses of labouring class.

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

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

Period for completion of works.

13. If the tramroad authorised by this Act shall not be completed within three 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 tramroad or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tramroad not to be used for passenger traffic.

14. No passengers other than officers servants and workmen of the Company or of their contractors shall be conveyed on the tramroad and no goods minerals or merchandise other than required in connexion with the works of the Company shall be carried thereon.

Application of funds and increase of capital.

15. The Company may apply for the purposes of this Act any moneys which they are by the recited Acts authorised to raise by shares or stock debenture stock or borrowing and they may raise for such purposes any further sum not exceeding six thousand pounds.

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Mode of raising additional capital.

16. Such further sum of six thousand pounds shall be raised in the same way and as part of the new ordinary or preference shares or stock authorised by the Act of 1892 and be added to the additional capital of one hundred and twenty thousand pounds mentioned in section 28 of that Act and such section shall henceforth be read and have effect as if the sum of one hundred and twenty-six thousand pounds had been named therein instead of the said sum of one hundred and twenty thousand pounds.

Confirmation of agreement in schedule.

17. The agreement dated the ninth day of May one thousand eight hundred and ninety-four between the Company and the coal company as set forth in the schedule to this Act is hereby confirmed and shall be binding on the parties thereto and carried into effect accordingly.

Running powers over part of Coal Company's Railway.

18.—(1) Subject as herein-after provided the Company may run over and use with locomotive engines (but not with horses) carriages waggons and trucks and their officers servants and agents and for the purposes of their traffic authorised by this Act the railway of the coal company between the junction of the coal company's railway with the Taff Vale Railway at Maerdy Station and point B on the plan signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and deposited in the Office of the Clerk of the Parliaments together with all ways sidings approaches points signals water watering places appliances works and conveniences on or connected with the said portion of railway :

In the exercise of the powers hereby granted the Company shall not unreasonably interfere with or interrupt the working of the coal company's traffic.

(2) The powers hereby granted shall not be exercised unless the arbitrator mentioned in the agreement set forth in the schedule to this Act shall have decided that the coal company has failed to carry and convey or has been prevented from carrying and conveying the goods and minerals of the Company or has failed to work the traffic of the Company with reasonable despatch or has failed to give the facilities provided by the said agreement.

(3) On the expiration of the lease under which the coal company hold the said railway the powers hereby granted shall determine.

Agreements with local or road authorities &c.

19. The Company may from time to time enter into agreements with any local or road authorities or any owner or occupier of land adjoining the tramroad with respect to the laying down altering maintaining renewing repairing working and using the tramroad and rails plates sleepers ways and works connected therewith and for facilitating the passage of traffic over or along the same.

Provision as to general Acts.

20. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to tramroads or the better and more impartial audit of the accounts of railway or tramroad companies now in force or which may hereafter pass during this or any future session of Parliament.

Costs of Act.

21. 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.

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SCHEDULE referred to in the foregoing Act.

An Agreement made the ninth day of May one thousand eight hundred and ninety-four between the Pontypridd Waterworks Company (herein-after called "the Waterworks Company") of the first part and Lockets Merthyr Steam Coal Company Limited (herein-after called "the Coal Company") of the second part.

Whereas a Bill is being promoted in Parliament by the Waterworks Company entituled "An Act for making a tramroad in the county of "Glamorgan in connexion with the undertaking of the Pontypridd Water-"works Company and for other purposes":

And whereas the Coal Company are petitioning against the said Bill:

It is agreed as follows:—

1. The Waterworks Company shall not construct so much of the tramroad the construction of which is proposed to be authorised by the said Bill as is shown and described on the plan annexed hereto between the points marked A and B on the said plan (the point A being a point at the northern termination of the railway siding in the Taff Vale Railway Company's goods yard at Maerdy in the parish of Ystrad-y-fodwg and the point B being a point within the limits of deviation on the line of tramroad at or near the Coal Company's pit on the Fforchorchwi Estate) nor shall the Waterworks Company enter upon take or use any of the lands delineated on the deposited plans and described in the deposited books of reference between the points A and B except so much as is required to effect a junction of the tramroad with the Coal Company's sidings at or near the point B.

2. The Coal Company shall with reasonable despatch carry and convey all goods and mineral traffic destined for or coming from the undertaking of the Waterworks Company and required by them for and in connexion with the works authorised by the Pontypridd Waterworks Acts 1875 and 1892 or any part thereof or in connexion with any other and additional works of a like nature over such portion of the Coal Company's railway as lies between their inward sidings at Maerdy and the said point marked B on the said plan Provided that the Waterworks Company shall deliver or cause to be delivered all such

goods and minerals as aforesaid on to the Coal Company's empty waggon sidings situate immediately above their Nos. 1 and 2 Pits The rate or charge payable by the Waterworks Company to the Coal Company for such carriage and conveyance of goods and minerals is hereby agreed at the sum of fourpence halfpenny per ton such rate or charge to include all charges whatsoever except any additional charge for wayleave royalty or otherwise claimed by and paid to the owners of the Maerdy Estate by the Coal Company in respect of the carriage of such traffic Provided that the Coal Company shall not be responsible in damages for any failure to carry and convey the traffic of the Waterworks Company but any such failure shall be dealt with by the arbitrator under Article 4 hereof.

3. The Coal Company shall construct a pair of points to connect their main line with the Waterworks Company's sidings at the said point B and shall afford all reasonable facilities for the interchange of such traffic with the Waterworks Company's sidings at the said point B.

4. If any difference or dispute shall hereafter arise between the parties hereto with respect to the working of the said traffic as aforesaid the same shall be referred to the President for the time being of the South Wales Institute of Engineers as sole arbitrator and the provisions of the Arbitration Act 1889 shall apply to such reference And should the said arbitrator be of opinion and decide that the Coal Company has failed to carry and convey or has been prevented from carrying and conveying the aforesaid goods and minerals or has failed to work the said traffic with reasonable despatch or has failed to give the said facilities the Waterworks Company shall be at liberty to exercise the running powers granted by the Act over the Coal Company's railway free of any toll or other charge to be paid to the Coal Company unless that Company shall have been prevented from carrying the traffic themselves and in that case on payment of the said rate or charge of fourpence halfpenny per ton.

5. The Waterworks Company shall forthwith proceed with the construction of the reservoir and other works authorised by the said Act of 1892 and on and after the first day of January one thousand eight hundred and ninety-eight or on and after such date as the said last-mentioned reservoir shall be completed and holding water whichever date shall be the earlier but not sooner the Coal Company shall cease to be responsible in any way to the Waterworks Company for any damage that may arise to the existing reservoir of the Waterworks Company known as the Maerdy Reservoir or works connected therewith by the working of the said mines and minerals lying under the said reservoir or works or near thereto and until such date the Coal Company shall indemnify the Waterworks Company from any such damage and the Waterworks Company

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shall from the same date be released from all responsibility if any to the Coal Company for any damage caused by the said reservoir or works to such mines and minerals.

6. The Waterworks Company agree with the Coal Company whenever called upon to do so by them to release the owners of the Fforchorchwi and Maerdy Estates from all responsibility (if any) for damage arising after the first day of January one thousand eight hundred and ninety-eight or such earlier date as aforesaid by reason of the working of the mines and minerals lying under the Maerdy Reservoir or the works immediately connected therewith on the Fforchorchwi and Maerdy Estates upon the Waterworks Company being at the same time released by such owners from all responsibility (if any) for damage which may be caused by the said reservoir to the said mines and minerals after the said date or earlier period as aforesaid.

7. None of the provisions or restrictions contained in the Waterworks Clauses Act 1847 or any Act amending the same or in any of the Waterworks Company's special Acts with respect to mines shall on and after such earlier date as mentioned in paragraph 5 hereof have any application to the working by the Coal Company of the mines or minerals lying under or near the said Maerdy Reservoir and works except so far as the same are not inconsistent with the terms of this agreement.

8. Any deed or deeds that may be necessary to carry out the terms of this agreement shall be forthwith prepared by the Waterworks Company and submitted for the approval of the Coal Company and should any question arise between the parties as to the intent construction effect or meaning of this agreement every such question shall (unless it can be otherwise satisfactorily arranged and disposed of) be referred and determined by arbitration according to the Arbitration Act 1889.

9. The Coal Company shall refrain from all further opposition to the said Bill in its passage through Parliament except so far as may be necessary to carry out this agreement and shall do and concur in all necessary acts and proceedings to facilitate the passing of the said Bill.

10. This agreement is made subject to confirmation by Parliament and shall be scheduled to the Act subject to such alterations as Parliament may think fit to make therein and the Waterworks Company shall proceed with the promotion of the said Bill and shall insert clauses therein for confirming this agreement but if Parliament think fit to make any material alteration in this agreement which either of the parties hereto may be unwilling to accept it shall be competent to either of them to withdraw therefrom.

In witness whereof the Companies parties hereto have hereunto caused their respective common seals to be affixed the day and year first above written.

The common seal of the Waterworks Company affixed hereto in the presence of

THOMAS WILLIAMS
Chairman.
MORGAN MORGAN
Secretary.

The Seal of the Pontypridd Waterworks Company.

The common seal of the Coal Company affixed hereto in the presence of

G. LOCKET.
W. THOMAS.

E. C. JUDKINS
Secretary.

The Seal of Lockets Merthyr Steam Coal Company Limited.

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