CHAPTER clxxviii.

An Act for authorising the Rhondda and Swansea Bay Railway Company to extend their Railways and for other purposes. A.D. 1891.

[28th July 1891.]

WHEREAS by the Rhondda and Swansea Bay Railway Act 1882 (in this Act called "the Act of 1882") the Rhondda and Swansea Bay Railway Company (in this Act called "the Company") were incorporated and were empowered to make the railways and other works therein described in the county of Glamorgan for the purpose of affording a means of railway communication between the Rhondda Valley and Swansea and other ports in Swansea Bay:

And whereas by the Rhondda and Swansea Bay Railway (Swansea Extension) Act 1883 (in this Act called "the Act of 1883") the Company were authorised to extend their railways to Swansea and thus to form a complete independent line of railway communication between the Rhondda Valley and Swansea:

And whereas in consequence of powers which had been obtained by the Great Western Railway Company of constructing a railway across the River Neath by which the communication between Port Talbot and Swansea by the railways of that Company would be materially shortened and improved an arrangement was come to whereby the Company on the faith that such improved railway communication would be constructed agreed to abandon their proposed and authorised railways west of Port Talbot (except a small portion of the Railway No. 1 authorised by the Act of 1883 and known as the Swansea Section) in consideration of the forwarding of their traffic by means of such improved communication over the Great Western Railway to Swansea and articles of agreement were on the thirteenth day of August one thousand eight hundred and eighty-five made between the Company of the one part and the Great Western Railway Company of the other part

A.D. 1891.

for the purpose of carrying out such arrangement (which articles are in this Act referred to as "the agreement of 1885"):

And whereas the Company have performed their part of the agreement of 1885 by the abandonment of their proposed and authorised railways west of Port Talbot but the Great Western Railway Company have failed to construct the aforesaid crossing over the River Neath and to carry out their part of the said agreement and it is expedient and just and in the interest of the public that the said agreement be cancelled and that the Company be authorised to construct the railways by this Act authorised for the purpose of improving the railway communication between the Rhondda Valley and Swansea:

And whereas by the Rhondda and Swansea Bay Railway Act 1886 (herein-after called "the Act of 1886") by which the aforesaid abandonment was effected the Company were authorised to construct a railway (therein described as "Railway No. 1") which was intended to form a junction between the railway of the Great Western Railway Company and the Swansea Section above referred to:

And whereas by the Act of 1883 the time for the completion of the works thereby authorised was limited to five years from the passing of that Act which received the Royal Assent on the second day of August one thousand eight hundred and eighty-three:

And whereas by the Rhondda and Swansea Bay Railway Act 1888 (herein-after called "the Act of 1888") the period limited by the Act of 1883 for the completion of the aforesaid portion of Railway No. 1 authorised by the Act of 1883 which was not by the Act of 1886 authorised to be abandoned was extended to three years from the passing of the Act of 1888 which received the Royal Assent on the twenty-fourth day of July one thousand eight hundred and eighty-eight:

And whereas by the Act of 1886 the periods for the compulsory purchase of lands under the powers of that Act and for the completion of the railways thereby authorised were respectively limited to three years and five years from the passing of that Act which received the Royal Assent on the fourth day of June one thousand eight hundred and eighty-six:

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands for the purposes of the Railway No. 1 authorised by the Act of 1886 should be revived and extended and that the periods for the completion of the Railway No. 1 authorised by the Act of 1886 and so much of the Railway No. 1 authorised by the Act of 1883 as is not by the Act of 1886

authorised to be abandoned should be respectively extended as herein-after mentioned: A.D. 1891.

And whereas it is expedient that the Company be authorised to alter their existing railways as herein-after provided and to exercise the further powers by this Act conferred upon them:

And whereas the Company have created and issued the whole of their authorised share capital (with the exception of the share capital authorised to be raised by the Rhondda and Swansea Bay Railway Act 1890) and have exercised their borrowing powers in respect of the capital so created and issued by the creation of a rent-charge and of debenture stock but the Company have not borrowed any money on mortgage and it is expedient that the Company should be authorised to raise additional share and loan capital:

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

Short title.

1. This Act may be cited as the Rhondda and Swansea Bay Railway Act 1891.

Incorporation of Acts.

2. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

A.D. 1891.

The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested:

And Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares additional capital and debenture stock) as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with 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 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction 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.

Cancelling agreement between Company and Great Western Railway Company.

4. The agreement of the thirteenth day of August one thousand eight hundred and eighty-five is hereby cancelled and annulled and so much of Section 42 of the Great Western Railway Act 1888 as confirms the said agreement is hereby repealed and the Company and the Great Western Railway Company are hereby respectively released from all obligations and duties under or in pursuance of the said agreement.

Power to make works.

5. Subject to the provisions of this Act the Company in the lines or situations and according to the levels respectively shown on the deposited plans and sections may make and maintain the railways and alterations of railways and works herein-after respectively described 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 those purposes The works herein-before referred to and authorised by this Act will be situate in the county of Glamorgan and are—

Railway No. 1 3 miles 1 furlong and 0·801 chains or thereabouts in length commencing in the parish of Michaelston-super-

Avon by a junction with the Cwmavon Railway of the Company and terminating in the parish of Baglan three-and-three-quarter chains or thereabouts to the westward of a point on the main line of the Great Western Railway between Briton Ferry and Port Talbot distant twenty-eight chains or thereabouts south of the booking office of the Briton Ferry Station thereon:

Railway on the deposited plans and sections referred to as Railway No. 3 2 furlongs and 2·80 chains or thereabouts in length wholly in the parish of Baglan commencing by a junction with the aforesaid main line of the Great Western Railway Company and terminating at the termination of Railway No. 1 authorised by this Act:

An alteration of the levels of the Cwmavon Railway of the Company between points respectively situate thereon thirteen chains or thereabouts to the south-westward and thirty chains or thereabouts to the north-eastward of the signal cabin at the Tymaen Junction:

An alteration of the levels of the Tewgoed Branch Railway of the Company between Tymaen Junction and a point on the said branch railway thirteen chains or thereabouts north-eastward of the said junction:

A deviation and alteration of the levels of the Cwmavon Railway of the Company between a point two chains or thereabouts south-westward of the signal cabin on that railway known as the Copper Miners' Junction Signal Cabin and a point eleven-and-a-half chains or thereabouts north-eastward of the said cabin together with an alteration of the levels of the said Cwmavon Railway between the last-mentioned point and a point eleven chains or thereabouts north-eastward of that point.

Power to make subsidiary works.

6. The Company may from time to time make and maintain in connexion with the above-mentioned works or any of them all necessary and convenient viaducts tunnels bridges rails sidings junctions turntables stations approaches roads buildings stages machinery and other works and conveniences.

For the protection of the Great Western Railway Company.

7. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say):—

Not to enter on lands of Great Western

(1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that Company or execute any works whatever

A.D. 1891.

Company until plans of proposed works affecting that Company approved.

under over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company;

As to execution of the railways on lands of Great Western Company.

(2) In constructing the Railway No. 1 by this Act authorised where the same is intended to cross the railway land and works of the Great Western Company the Company shall carry the same over that railway land and works by means of a bridge of one span of not less than forty-eight feet on the square and a headway of not less than fifteen feet and such crossing of the railway shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever and should it be necessary in constructing the said railway or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them at or near to the said crossing the Company shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal or restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor;

Company to pay to the Great Western Company expenses of watchmen during construction of works.

(3) The Company shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the railways by this Act authorised over the Great Western Railway Company's railway or on their land adjacent thereto of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any

person or persons in the employ of the Company with reference thereto or otherwise ; A.D. 1891.

Damages sustained by Great Western Company to be repaid.

(4) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any Company or persons using the same or otherwise during the execution by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission ;

Maintenance of works affecting the railways of the Great Western Company.

(5) The Company shall at their sole expense at all times maintain the bridges and other works by which the said Railway No. 1 by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the land of the Company as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time reasonably incurred in that behalf shall be repaid to them by the Company and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Company in any court of competent jurisdiction ;

Not to interfere with traffic on Great Western Railway.

(6) In constructing the railways above described and by this Act authorised the Company shall not in any way obstruct or interfere with the traffic passing along the Great Western Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said Great Western Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the

A.D. 1891.

Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue;

No land of Great Western Company to be taken except for certain works.

(7) Except for the purpose of constructing the Railway No. 1 and the junction of Railway No. 3 with the Great Western Railway and which junction or the substituted junction herein-after referred to is to be maintained and worked at the expense and risk of the Company the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that company or with any of the works thereof further or otherwise than is necessary for the construction maintenance and user of the railways by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such construction or otherwise the Company shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment and the Great Western Company may at their own expense at any time or times hereafter should it be necessary for them to do so alter or remove the junction by this Act authorised of the Railway No. 3 with their railway and substitute a new junction therefor but so as such alteration or removal or substituted junction as the case may be shall not stop the traffic of the Railway No. 3 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case

may be or the signals works and conveniences connected therewith;

Arbitration.

(8) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers in London the costs of such arbitration to be in the discretion of such arbitrator.

Height and span of bridge.

8. The Company may make the arch of the bridge for carrying the Railway No. 1 over the road numbered on the deposited plans 73 in the parish of Baglan of any span not less than 25 feet.

Widths of certain roadways.

9. The Company may make the roadway over the bridge by which the road numbered on the deposited plans 2 in the parish of Baglan will be carried over the Railway No. 1 of such width between the fences thereof as the Company think fit not being less than 12 feet.

As to Saint Michael's Church burial-ground.

10. The Company shall cause the remains of any person interred or deposited in any portion of the churchyard or graveyard respectively attached to Saint Michael's Church in the parish of Michaelston-super-Avon in the county of Glamorgan which they may acquire under the powers of this Act to be removed under the superintendence of the medical officer of health for the time being of Cwmavon and interred in consecrated ground in the Cwmavon cemetery and shall cause any monuments tablets and tombstones in any such portion of churchyard or graveyard respectively to be removed to and fixed or re-erected in the said cemetery Provided that the heirs executors administrators or relations or friends of any person whose remains shall be interred or deposited in any such portion of churhyard or graveyard may if they so prefer (at the cost of the Company such cost not to exceed ten pounds in each case) and under such superintendence as aforesaid remove the remains of such person to any burial ground wherein burials may legally take place and remove the monument tablet or tombstone erected to the memory of such person to any place they may think fit.

Power to Company to acquire certain roads

11. The Company may at any time within twelve months from the passing of this Act by notice in writing require any body or person having or claiming any private right or interest in the roads herein-after mentioned so far as the same are shown upon

A.D. 1891.

the deposited plans and included within the limits shown thereon and referred to in the deposited books of reference to sell to the Company or to their nominee or nominees or to abandon or to relinquish their rights and interests in such roads and the said body or person shall thereupon sell abandon or relinquish the same accordingly.

The roads herein-before mentioned are in the parish of Michaelston-super-Avon in the county of Glamorgan and are:—

(A) The road leading from a point on the public road from Cwmavon to Aberavon opposite the south-westernmost carriage entrance to Coed-y-Park Cwmavon to the road known as High Street Cwmavon;

(B) The said High Street Cwmavon; and

(C) The road leading from High Street Cwmavon across the Cwmavon Railway of the Company to the high road on the south-western side of St. Michael's Churchyard Cwmavon:

And when and so soon as such rights and interests shall have been required to be sold abandoned or relinquished as aforesaid the Company may proceed to form and make up such roads (as altered in connexion with the alteration of levels by this Act authorised of the Cwmavon Railway of the Company) and so soon as the said roads shall have been properly formed and made up the Company may dedicate and open such roads to the public and may abolish and stop up the level crossing of the said last-mentioned road (C) over their Cwmavon Railway and after the dedication of the said roads to the public as aforesaid the same shall be deemed to be public highways and the sole power authority liability and duty of maintaining paving and repairing the same shall be vested in the road authorities having jurisdiction within the district in which such roads are situate provided that the Company may make the arch of the bridge for carrying the alteration of railway by this Act authorised over the said road (C) of any height not being less than 12 feet and of any span not being less than 15 feet If any question shall arise between the Company and any such road authority as to whether any such road has been properly formed and made up such question shall be determined by two justices on the application of the Company or the said road authority and after not less than seven days' notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the proper formation and making up of such road shall be conclusive evidence of the fact so certified.

Mode of assessing consideration payable for roads.

12. The consideration to be paid by the Company for such sale relinquishment or abandonment shall be such as may be agreed between the Company and any such body or person or failing agreement as may be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for that purpose in the construction of the provisions of those Acts incorporated with this Act such rights and interests shall be deemed to be interests in lands.

Power to stop up road.

13. Upon the dedication and opening to the public of the aforesaid roads the Company may stop up and discontinue for public traffic the portion of the public road leading from Cwmavon to Aberavon which lies between a point one chain or thereabouts to the north-eastward of the aforesaid carriage entrance to Coed-y-Park and a point on the said road two chains or thereabouts north-eastward of the level crossing of the Cwmavon Railway of the Company over that road at the aforesaid signal cabin of the Copper Miners' Junction (including the said level crossing) and the site and soil of the portion of the public road so stopped up so far as the same is bounded on both sides by the lands of the Company is by this Act vested in the Company and all public and private rights of way or passage and all other rights across over or along the same shall be by this Act extinguished The provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested in the Company as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Additional lands.

14. Subject to the provisions of this Act the Company may for additional station accommodation and all or any other of the purposes of their undertaking or connected therewith enter upon take hold and use the lands and premises shown upon the deposited plans and described in the deposited books of reference situate in the hamlet of St. Thomas and parish of Swansea and county of Glamorgan adjoining and on the south of the railway of the Company and lying between the Vale of Neath Arms public-house and the disused Dan-y-Craig chapel building (including that building) or some part or parts thereof.

For protection of Swansea Harbour Trustees.

15. Nothing in this Act shall empower the Company to purchase or acquire the properties (or either of them) numbered on the deposited plans 44 and 45 in the hamlet of St. Thomas in the parish of Swansea without the previous consent of the Swansea Harbour Trustees under their common seal.

A.D. 1891.

Reviving powers and extending time for purchase of lands for Railway No. 1 of 1886.

16. The powers granted by the Act of 1886 for the compulsory taking and purchase of lands for the purposes of the Railway No. 1 authorised by the Act of 1886 are hereby revived and extended and may be exercised by the Company at any time within but shall not be exercised after the expiration of two years from the passing of this Act.

Extending period limited for completion of Railway No. 1 of 1886.

17. The period limited by the Act of 1886 for the completion of the Railway No. 1 thereby authorised is hereby extended for a period of three years from the fourth day of June one thousand eight hundred and ninety-one and if the said railway be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1886 as amended by this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extending period limited for completion of portion of Railway No. 1 of 1883.

18. The period limited by the Act of 1883 as amended by the Act of 1888 for the completion of so much of the Railway No. 1 authorised by the Act of 1883 as is not authorised to be abandoned by the Act of 1886 is hereby extended for a period of three years from the twenty-fourth day of July one thousand eight hundred and ninety-one and if the said portion of railway be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1883 and by the Act of 1888 and this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Restrictions on displacing persons of labouring class.

19.—(1) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) 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 respective fifteenth day of December aforesaid 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) 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 provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme 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.

(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 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

A.D. 1891.

of any such purchase Sections 176 and 297 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 authorised 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 such 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 157 of the Public Health Act 1875 as provides that the provisions of that section and of Sections 155 and 156 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 which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board 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) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) 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 compulsory purchase of lands.

20. 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.

Lands for extraordinary purposes.

21. The quantity of land to be taken by the Company under the authority of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any action indictment 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.

Power to take easements &c.

22. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provi-

A.D. 1891.

by agreement.

sions of those Acts 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.

23. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands 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 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described or referred to in the schedule to this Act 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 If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or other person shall fail to notify to the Company that he alleges such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of such tribunal any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw

their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

Period for completion of works.

24. If the railways and alterations of railway 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 Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as in then completed.

Penalty imposed unless the railways and works are opened within the time limited.

25. If the Company fail within the period limited by this Act to complete the new railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the respective railway not completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in Section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such Court or Judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control provided

A.D. 1891.

that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

26. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "London Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the respective railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act in connexion with the said respective railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Tolls on railways.

27. For the purposes of tolls rates charges and duties and for all other purposes whatsoever the railways by this Act authorised to be constructed or altered shall be deemed to be part of the railway undertaking of the Company.

Power to apply funds.

28. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised by any previous Act to raise by shares or stock debenture stock or borrowing and which are not by that Act made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to raise additional capital.

29. The Company (in addition to any capital which they are by any other Act authorised to raise) may from time to time for the purposes of this Act and other the general purposes of the Company (being in any case purposes to which capital is properly

applicable) raise by the creation and issue of new ordinary or new preference shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding one hundred and twenty thousand pounds Provided that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Shares not to be issued until one-fifth paid.

30. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share or stock vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share or the whole of such stock shall be paid in respect thereof.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

31. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

32. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

33. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

34. The Company may in respect of the additional capital of one hundred and twenty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty thousand pounds and of that sum they may from time to time borrow any sums not exceeding twenty thousand pounds in respect of each sixty thousand pounds of their capital but no part of any such sums of twenty thousand pounds shall be borrowed until shares for so much of the portion of additional capital in respect of which it

A.D. 1891.

is to be borrowed as is to be raised by means of shares are issued and accepted and one-half thereof 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 so much of such portion of additional capital as is to be raised by means of shares have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for so much of such portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing provisions as to appointment of a receiver.

35. The provisions of the Rhondda and Swansea Bay Railway Act 1890 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

For appointment of a receiver.

36. 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 In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

Debenture stock.

37. The Company may create and issue debenture stock subject to the provisions of Section 22 of the Act of 1882 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Application of money.

38. All moneys by this Act authorised to be raised by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and to the general purposes of the

undertaking of the Company being in every case purposes to which capital is properly applicable.

Saving rights of the Crown in the foreshore.

39. 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.

Interest not to be paid on calls paid up.

40. No interest or dividend shall be paid out of any money by this Act authorised to be raised 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.

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

Provision as to general Railway Acts.

42. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels now authorised to be taken by the Company.

Costs of Act.

43. 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.

A.D. 1891.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING LANDS HOUSES BUILDINGS OR MANUFACTORIES OF WHICH PORTIONS ONLY MAY BE ACQUIRED BY THE COMPANY.

Parish.	Nos. on Deposited Plans.
Margam - - -	3, 4.
Michaelston-super-Avon -	2, 4, 5, 17, 23, 25, 26, 27, 28, 29, 30, 31, 47.
Baglan - - - -	3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 16, 30, 31, 45, 56, 184, 103.
Additional Lands.	
St. Thomas' Swansea - -	1, 2.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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