CHAPTER xii.

An Act to authorise the Rhymney Railway Company to reconstruct their Cardiff Passenger Station to make a new railway to raise additional capital and for other purposes. [18th June 1908.]

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WHEREAS it is expedient that the Rhymney Railway Company (hereinafter called "the Company") be authorised to reconstruct and rearrange their passenger station at Cardiff and to make and maintain the railway hereinafter described:

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Glamorgan and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the Company be authorised to raise further capital for the purposes of this Act and of their undertaking:

And whereas in or about the year 1891 the Company by agreement with the adjoining landowner and in accordance with the requirements of the Gelligaer Highway Board which was at that time the road authority for the district diverted the old public road crossing their railway on the level at or near Tyn-y-Graig Farm in the rural district of Gelligaer and Rhigos in the county of Glamorgan by constructing a bridge under their railway and forming metalling and completing and dedicating to the public a new road from a point near the said level crossing to and under the said bridge and thence over the adjoining lands to the old

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public road and thereupon and with the approval of the said landowner and highway board the level crossing was fenced off by the Company and discontinued to be used and the said new road has since that time been maintained as a public highway by the Caerphilly Local Board (to whom the portion of the rural district in which the level crossing was situate was transferred shortly after the agreement was made) and their successors the Caerphilly Urban District Council but in consequence of such transfer and for other causes the application to quarter sessions for an order to close the level crossing was not proceeded with:

And whereas recently persons have been in the habit of crossing the line on foot at or near the site of the old level crossing which is attended with serious danger and it is expedient that the public and other rights of way thereover be extinguished:

And whereas it is expedient that the construction of the Bargoed Colliery Branch Railway by the Company be sanctioned and confirmed:

And whereas it is expedient that the Company be authorised to appoint special constables as hereinafter provided:

And whereas it is expedient that the Company be empowered to grant pensions retiring allowances and gratuities to their officers and servants and their dependents:

And whereas it is expedient that the period allowed for the completion of the railway authorised by the Rhymney Railway Act 1895 (hereinafter called "the Act of 1895") as extended by the Rhymney Railway Acts of 1900 and 1905 (hereinafter collectively called "the Acts of 1900 and 1905" and separately called "the Act of 1900" and "the Act of 1905" respectively) be further extended:

And whereas it is expedient that the powers of the Company for the compulsory purchase of the lands required for Railway No. 4 and Railway No. 5 authorised by the Rhymney Railway Act 1902 (hereinafter called "the Act of 1902") as extended by the Act of 1905 be further extended and that the period allowed for the completion of those railways be further extended:

And whereas it is expedient that the powers of the Company for the compulsory purchase of the additional lands described in section 4 of the Act of 1905 and also for the compulsory purchase of the lands required for the works authorised by section 5 of the Act of 1905 be extended:

And whereas it is expedient that the time limited for the sale of certain lands acquired by the Company for the purposes of their undertaking be extended and that further powers be conferred upon the Company in respect of the sale or other disposal of those lands:

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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Rhymney Railway Act 1908.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act:—

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely):—

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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

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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 Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts.

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 railway" means the new railway by this Act authorised and the expression "the undertaking" means the undertaking of the Company.

Reconstruction of Company's passenger station at Cardiff and construction of new railway in connection therewith.

4. The Company may upon the lands belonging to them reconstruct and rearrange their passenger station at Cardiff and the platforms buildings booking-offices waiting-rooms signal-boxes signals and other apparatus works and conveniences connected therewith and subject to the provisions of this Act the Company may in the line and according to the levels shown on the deposited plans and sections make and maintain the railway hereinafter described together with all proper bridges junctions sidings signals and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for that purpose The railway hereinbefore referred to and authorised by this Act is—

A railway two furlongs one chain and forty links in length situate wholly in the parish of Saint John the Baptist in the city of Cardiff commencing by a junction with the Bute Docks Branch Railway of the Company at a point 113 yards or thereabouts measured in a south-easterly direction along that railway from the mile post indicating $1\frac{1}{4}$ mile from its terminus at the Bute Docks at Cardiff and terminating by a junction with the Cardiff and Caerphilly Railway of the Company at a point 360 yards or thereabouts measured in a northerly direction along that railway from the aforesaid mile post.

Period for compulsory purchase of lands.

5. The powers by this Act conferred upon the Company for the compulsory purchase of lands and buildings shall cease after the expiration of three years from the passing of this Act.

Persons under disability may grant easements &c.

6. 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 persons other than the grantors 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.

For protection of corporation of Cardiff.

7. For the protection of the lord mayor aldermen and citizens of the city of Cardiff (in this section called "the corporation") the following provisions shall have effect except so far as the corporation and the Company may otherwise agree (that is to say):—

(1) In this section the word "street" has the same meaning as it has in the Public Health Act 1875 the expression "water mains" includes water conduits water mains pipes hydrants valves and water apparatus and appliances belonging to the corporation and the expression "electric mains" includes electric mains cables wires pipes standards and electric apparatus and appliances belonging to the corporation:

(2) The Company shall not without the consent of the corporation under their common seal widen or alter the existing bridge of the Company spanning Newport Road or acquire take or use any part of the public streets or the public convenience thereunder or adjacent thereto:

(3) The bridge to carry the railway over Newport Road and Fitzalan Road shall be a flat girder bridge and shall be of one clear span throughout its entire length and without any intermediate erection for support and the abutments or wingwalls of such bridge shall in no way take from or encroach upon such streets or the footpaths thereof and such bridge shall have a clear minimum headway of sixteen feet above the present level of the surface of the said streets where crossed by the said bridge:

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(4) The said bridge shall be constructed in accordance with the plan signed by William Harpur on behalf of the corporation and by W. G. Griffiths on behalf of the Company with such modifications thereof or deviations therefrom as may be agreed upon in writing between the corporation and the Company and also in accordance with detailed plans sections and elevations to be submitted to and approved by the corporation before the commencement of the work Provided that if the corporation fail for a period of twenty-eight days after the submission of the said plans sections and elevations to express in writing their disapproval thereof or their requirements in relation thereto the corporation shall have been deemed to have approved thereof:

(5) The said bridge shall be constructed and maintained in such a manner as to prevent the dripping of water therefrom on any part of the roadway or footways thereunder and the abutments thereof shall be faced with ashlar or close punched stonework or with such other material and class of workmanship as the corporation may reasonably approve and the under surface of the superstructure shall at all times be kept painted white and such bridge shall have on either side of it a substantial parapet or close screen not less than seven feet in height above the level of the rails and the Company shall not affix or exhibit or permit to be affixed or exhibited upon any part of such bridge parapet or screen any placard or advertisement other than a placard or advertisement relating solely to the business of the Company and if any such placard or advertisement other than as aforesaid be so affixed or exhibited the corporation may cause the same to be removed at the cost of the Company:

(6) The corporation shall be at liberty to make and maintain attachments to the underside of such bridge for the purposes of electric traction or lighting and to also affix notices warning passengers on their tramways under the said bridge Such attachments and notices shall be in all respects subject to the reasonable approval of the engineer of the Company and shall be temporarily removed at the expense of the corporation at any time when required by him in connection

with the maintenance reconstruction or alteration of the bridge;

If at any time hereafter default is made by the corporation in maintaining the said attachments and apparatus connected therewith the Company shall be at liberty after seven days' notice in writing given to the corporation or in case of emergency (of which the engineer of the Company shall be the sole judge) without notice to make good and remedy such default and execute and do all necessary work and the corporation shall pay to the Company the costs incurred by the Company in so doing;

The corporation shall from time to time be responsible for and shall make good to the Company all losses damages and expenses which may be occasioned to the Company or any of their works electric apparatus and property or to the traffic on their railways or to any company or person using the same or otherwise in or during the execution maintenance or repair of or by reason of the failure of any of the attachments made to the said bridge in pursuance of this section or any of the works of the corporation connected with the said attachments or any of them or of any act default or omission of the corporation or of any person in their employ or of their contractors or otherwise and the corporation shall effectually hold harmless and indemnify the Company from all claims and demands upon or against them by reason or in consequence of the making of any such attachments or the failures thereof or of the works of the corporation connected therewith and of any such act default or omission:

(7) All works both temporary or permanent necessary and incident to the construction of the said bridge shall be executed in such a manner as to interfere as little as possible with public streets and the tramways undertaking and other works or properties of the corporation and with the traffic passing along such streets:

(8) If the construction of the said bridge by the Company shall in any way affect or interfere with any street sewer drain water main electric main or other property

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of the corporation or shall necessitate the removal or renewal of any such property the works rendered necessary shall be executed by the corporation at the cost of the Company in all things including the reasonable cost of superintendence:

(9) The Company and the corporation may enter into and carry into effect agreements for and with respect to the variation and mode of execution of any works to be done by the Company for the protection of the corporation and for the execution by the corporation of any such works:

(10) If any difference arise between the Company and the corporation touching anything to be done or not to be done or any moneys to be paid under the provisions of this section such difference shall be settled by arbitration by an engineer appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers:

(11) Nothing herein contained shall affect the rights of the corporation to compensation in respect of severance or otherwise under the provisions of any Act incorporated with this Act or any notice to treat which may be given by the Company to the corporation:

(12) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of the Acts or parts of Acts incorporated herewith or of any public Acts relating to the water supply electric supply and works which may exist for the protection or benefit of the corporation Provided that the corporation shall not be entitled to proceed under more than one enactment with respect to one and the same matter.

For protection of Marquis of Bute.

8. Notwithstanding anything in this Act contained the Company shall not otherwise than by agreement acquire the freehold of or any greater interest than they at present possess in any land of the Marquis of Bute in the city of Cardiff nor shall anything in this Act prejudice or affect any agreement between the Marquis of Bute or any of his predecessors in title or any trustees of his or their estates and the Company.

9. The railway shall for the purposes of tolls rates and charges and all other purposes be deemed to be part of the railways of the Company. Tolls for use of railway.

10. The Company may appropriate and apply to the purposes of this Act being purposes to which capital is properly applicable any of the moneys which under and by virtue of any of their existing Acts they have raised or are authorised to raise and which may not be required for the purposes for which the same were authorised to be raised. Power to Company to apply funds to purposes of this Act.

11. The Company may for the purposes of this Act and for the general purposes of their undertaking raise additional capital by the issue of new ordinary shares or stock or of new preference shares or stock not exceeding in the whole five hundred thousand pounds or wholly or partially by one of those modes as the Company may from time to time think fit. Power to raise additional capital.

12. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share is paid in respect thereof. Amount of new shares New shares not to be issued till one-fifth paid thereon.

13. The additional capital in new shares or stock created under the authority of this Act shall form part of the capital of the Company. New shares or stock to form part of capital of Company.

14. All new ordinary or preference shares or stock to be issued under the authority of this Act shall confer the right of voting at general meetings of the Company according to the scale of votes prescribed in sections twenty-five and twenty-six of the Rhymney Railway Act 1857 and section five of the Rhymney Railway Act 1889. Scale of voting.

15. Every person who becomes entitled to new shares or stock shall in respect of the same be deemed for the purpose of dividends a holder of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be. Dividends on new shares or stock.

16. The Company may by the resolution creating or authorising the creation of the new preference shares or new preference stock by this Act authorised determine that such shares or stock shall form part of and rank pari passu with the Rhymney Railway New preference shares or stock may rank pari passu with preference stock under Rhymney Railway Act 1889 if so determined.

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preference stock created and issued by virtue of the Rhymney Railway Act 1889.

Receipt in case of incapacitated persons.

17. If any money is payable under this Act to a holder of any shares stock mortgages or debenture stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Power to borrow in respect of additional capital.

18. The Company may borrow on mortgage of the undertaking in addition to any sums which they are authorised to borrow by any other Act or Acts of Parliament any sum or sums not exceeding in the whole one-third part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued 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 such shares and stock have been issued and fully paid up 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 such proof has been given which shall be sufficient evidence thereof.

Existing mortgages to have priority.

19. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which those mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of interest of any debenture stock at any time created and issued by the Company.

For appointment of a receiver.

20. Every provision in any Act passed before this Act with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision 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 in the whole. A.D. 1908.

Debenture stock.

21. 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 at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest on all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

22. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes of this Act or the general purposes of the Company being in every case purposes to which capital is properly applicable.

Period for completion of works.

23. 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 is then completed.

Penalty imposed unless line opened within time limited.

24. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three 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 hereinafter provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen

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

Application of penalty.

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

Sanctioning constructed Bargoed Colliery Branch Railway.

26. The construction and maintenance of the railway next hereinafter described is hereby sanctioned and confirmed and the said railway shall for the purposes of tolls rates and charges and all other purposes be deemed to have been and to be part of the Company's undertaking (that is to say):—

A railway 3 furlongs 3 chains in length situate wholly in the parish of Gelligaer in the rural district of Gelligaer and Rhigos in the said county of Glamorgan commencing by a junction with the main line of railway of the Company at a point 123 yards or thereabouts south of the mile post indicating thereon $16\frac{3}{4}$ miles from the terminus of that railway at the Bute Docks at Cardiff and terminating by a junction with the private railway of the Powell Duffryn Steam Coal Company Limited at Bargoed at the centre of the railway bridge over the River Rhymney at the said junction.

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Power to close level crossing of railway at Tyn-y-Graig Farm.

27. The Company may close and stop up the old public road crossing their railway on the level at or near Tyn-y-Graig Farm in the urban district of Caerphilly and thereupon all public and other rights of way over the said level crossing shall be extinguished:

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement:

Provided also that before closing and stopping up the said level crossing the Company shall make to the reasonable satisfaction of the Caerphilly Urban District Council and open for the use of the public a suitable footbridge 6 feet wide with proper railings or parapets over the said railway at or near the site of the said level crossing and shall thereafter to the like satisfaction maintain the same and the Company shall not be required to maintain or contribute to the maintenance or repair of the new road made by them as hereinbefore mentioned from a point near the said level crossing to and under the bridge which carries their railway over the said new road and thence to the said old public road nor be chargeable with any private street expenses in respect of the said new road.

Special constables.

28. Subject to the provisions hereinafter contained any two justices having jurisdiction in the city of Cardiff or in any one of the counties or boroughs in which the constables hereinafter mentioned are to act may on the application of the Company appoint all or so many as they think fit of the persons recommended to them for that purpose by the Company to act as special constables upon and within the whole of the railways stations and works belonging or leased to or worked by the Company either solely or jointly with any other company companies or committee and every or any part thereof respectively And the following provisions shall apply to every appointment so made:—

(1) Every person so appointed shall make oath or declaration in due form of law before any justice having jurisdiction in the said city or in any one of the counties or boroughs in which such person is to act duly to execute the office of a constable:

(2) Every person so appointed and having been sworn or having made such declaration as aforesaid shall during the continuance of his appointment have all the powers

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protection and privileges of a constable in respect of the exercise of his duties and may follow and arrest any person who has departed from any of the said railways stations or works after committing therein or thereon any offence for which he might have been arrested while within or upon the said railways stations or works:

(3) Any two justices assembled and acting together or the Company may dismiss from his office or accept the resignation of any constable so appointed and thereupon all powers protection and privileges belonging to such person by virtue of such appointment shall wholly cease No person so dismissed or resigning shall be capable of being reappointed except with the consent of the authority by whom he was dismissed:

(4) The local authorities of any city county or borough shall not be liable for any expense of or be responsible for any acts or defaults of such constables or for anything connected with or subsequent upon their appointment and nothing in this Act contained shall restrict or affect the jurisdiction or powers of the respective local authorities of the city county or borough as the case may be or the police force under their control:

(5) A constable appointed as aforesaid shall not act as such under the authority of this Act unless he be in uniform or provided with an authority to act as a constable which authority the justice before whom such constable makes oath or declaration as aforesaid is hereby empowered to grant and if the constable be not in uniform he shall show such authority whenever called upon to do so.

Pensions to officers and servants.

29. The Company may out of their funds grant and pay pensions retiring allowances or gratuities to any of their officers or servants and their dependents.

Further extension of time for construction of railway authorised by Act of 1895.

30. The time limited by the Act of 1895 for the completion of the railway by that Act authorised as extended by the Acts of 1900 and 1905 is hereby further extended for a period of five years from the thirtieth day of May one thousand nine hundred and ten and the Act of 1895 shall be read and construed as if the period by this Act limited for the completion of the said railway had been the period mentioned therein in that behalf

If the said railway be not completed within such extended period then on the expiration of that period the powers for making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for taking of lands under Act of 1902.

31. The powers granted to the Company by the Act of 1902 for the compulsory purchase of lands for the purposes of Railway No. 4 and Railway No. 5 by that Act authorised as extended by the Act of 1905 are hereby further extended and may be exercised by the Company during a period of three years from the twenty-third day of June one thousand nine hundred and eight and on the expiration of that period those powers shall cease.

Extension of time for construction of railways authorised by Act of 1902.

32. The time limited by the Act of 1902 for the completion of Railway No. 4 and Railway No. 5 by that Act authorised as extended by the Act of 1905 is hereby further extended for a period of five years from the twenty-third day of June one thousand nine hundred and ten and the Act of 1902 so far as it relates to those railways shall be read and construed as if the period by this Act limited for the completion of the said railways had been the period mentioned therein in that behalf If the said railways be not completed within such extended period then on the expiration of that period the powers for making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Company may acquire easements from Barry Railway Company.

33. In the construction of Railway No. 4 authorised by the Act of 1902 the Company shall not without the consent of the Barry Railway Company purchase or acquire any of the lands and works of the Barry Railway Company in the parish of Eglwysilan in the county of Glamorgan but the Company may purchase and take and the Barry Railway Company shall sell and grant to the Company such easements or rights in or through the said lands and works or such part or parts thereof as may be required by the Company for the purpose of making maintaining and using the said Railway No. 4.

For protection of Barry Railway Company.

34. For the protection of the Barry Railway Company (in this section referred to as "the Barry Company") the following provisions shall unless otherwise agreed have effect:—

(1) For the purpose of constructing Railway No. 4 authorised by the Act of 1902 (in this section referred to as "Railway No. 4") the Company shall not enter upon or interfere with the railway or works of the Barry

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Company (in this section referred to as "the Barry Railway") or execute any works whatever under over or affecting the same until the Company shall have delivered to the Barry Company plans and drawings of such intended works and in the event of the engineer of the Barry Company signifying his disapproval of the same within twenty-one days after the delivery of the plans and drawings the same shall be referred for determination to an engineer to be appointed on the application of the Company by the President of the Institution of Civil Engineers and all the intended works shall be executed by the Company at their sole expense in all things according to plans and drawings so approved or determined as aforesaid and to the reasonable satisfaction of the engineer of the Barry Company or in case of difference of an engineer to be appointed as aforesaid:

(2) In constructing Railway No. 4 at the point where the same crosses the Barry Railway the Company shall not without the previous consent in writing of the Barry Company under their common seal deviate from the centre line thereof shown on the plans deposited in relation to the Bill for the Act of 1902 and where Railway No. 4 is intended to cross the Barry Railway the same shall be carried under that railway by means of a bridge of sufficient width to allow the Barry Company if and when they so require to lay down two lines of rails over the same in addition to the existing lines of rails and such bridge shall be so constructed that there shall not be a less depth than four feet six inches between the level of the rails of the Barry Company and the underside of the girder or arch of the said bridge:

(3) If it shall be necessary in constructing the said bridge that any of the telegraph or telephone posts and wires or signals points and connections on the Barry Railway should be altered or if in consequence of the construction of the said bridge any such alterations shall in the opinion of the Barry Company be necessary the Barry Company shall and may effect such alterations and the Company shall bear and on demand pay to the Barry Company all the expenses of and connected with such alterations:

(4) The Company shall bear and on demand pay to the Barry Company the reasonable expenses of the employment by them during the making of Railway No. 4 under and adjacent to the Barry Railway of a sufficient number of inspectors signalmen and watchmen to be appointed by them for watching and protecting the Barry Railway and for conducting their 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:

(5) The Company shall at their sole expense at all times maintain the bridge and other works referred to in this section in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Barry Company:

(6) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Barry Company all losses costs damages and expenses which may be occasioned to them or any of their works lands or property or to the traffic on their railways or to any company or person using the same or otherwise during the execution or 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 indemnify and hold harmless the Barry Company from all claims and demands on or against them by reason of such execution or failure and of any such act default or omission:

(7) In constructing Railway No. 4 the Company shall not in any way obstruct or interfere with the traffic passing along the Barry Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the Barry Railway so as to impede or prevent the convenient passage of engines carriages and wagons along the same the Company shall pay to the Barry

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Company full compensation for such damage as they shall sustain by reason thereof:

(8) The Company shall pay to the Barry Company by way of purchase money or compensation for the rights and easements to be acquired by the Company from the Barry Company under the powers of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement:

(9) The Company shall pay to the Barry Company the amount of any increased expense to which the Barry Company may be put by reason of the construction of Railway No. 4 in laying down any additional line or lines of rails or in making maintaining or working any additional signals or conveniences:

(10) If any dispute shall arise between the Barry 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 of the Institution of Civil Engineers:

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions contained in this Act or in the Act of 1902 or in the Acts incorporated with either of such Acts which enure for the benefit or protection of the Barry Company.

Extension of time for taking of lands under Act of 1905.

35.—(1) The powers granted to the Company by section 4 of the Act of 1905 for the compulsory purchase of the additional lands therein described and situate in the parish of Gelligaer in the rural district of Gelligaer and Rhigos are hereby extended and may be exercised by the Company during a period of three years from the thirtieth day of June one thousand nine hundred and ten.

(2) The powers granted to the Company by section 5 of the Act of 1905 for the compulsory purchase of the lands required for the works thereby authorised are hereby extended and may be exercised by the Company during a period of three years from the thirtieth day of June one thousand nine hundred and ten.

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Extension of time for sale of superfluous lands.

36. The Company with respect to lands acquired by them under the powers of any Act relating to the undertaking of the Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands acquired by them and which have not yet been applied to the purposes for which they were acquired for the periods following (that is to say) As regards such of the lands as are situate near to or adjoining any railway or station of the Company or as they may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the others of the said lands for the period of three years from the passing of this Act.

At the expiration of such respective periods of ten years and three years the Company shall proceed bonâ fide to the sale and disposal of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes aforesaid.

Interest not to be paid out of capital.

37. 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.

38. 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.

39. 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 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

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maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

40. 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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