CHAPTER clxxxviii.

An Act to incorporate a company for the construction of railways in the Vale of Glamorgan; and for other purposes. [26th August 1889.]

A.D. 1889.

WHEREAS the construction of the railways herein-after described between the Llynvi and Ogmore Valleys and Barry in the county of Glamorgan would be of public and local advantage:

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

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

And whereas plans and sections (in this Act referred to as "the amended plans and sections") describing the line and levels of an alteration intended to be made in the Railway No. 1 by this Act authorised and also books of reference (in this Act referred to as "the amended books 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 of the said alteration have been deposited with the clerk of the peace for the county of Glamorgan:

And whereas it is expedient that the agreement between the parties therein named on behalf of the Company and the Barry Dock and Railways Company (in this Act called "the Barry Company") set forth in the Second Schedule to this Act should be confirmed:

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

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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 for all purposes as the Vale of Glamorgan Railway Act 1889.

Incorporation of general Acts.

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

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction the expression "the Company" means the Company incorporated by this Act the expressions "the railway" or "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised 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.

Company incorporated.

4. North's Navigation Collieries (1889) Limited Richard Robertson Lockett Edmund Lyons Evan-Thomas Robert Harvey Adam Fettiplace Blandy and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Vale of Glamorgan Railway Company and by that name shall be a body corporate with perpetual succession and a common seal

and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. A.D. 1889.

Power to make railways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited and amended plans and sections the railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited and amended book of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act will be wholly situated in the county of Glamorgan and are—

A Railway No. 1 (nineteen miles five furlongs and 8·62 chains in length) commencing in the hamlet of Coity Lower and parish of Coity by a junction with the Llynvi and Ogmore section of the Great Western Railway and terminating in the parish of Barry by a junction with the Railway No. 1 as in course of construction authorised by the Barry Dock and Railways Act 1884:

A Railway No. 2 (three furlongs and 4·28 chains in length) wholly in the hamlet of Newcastle Lower and parish of Newcastle commencing at a point 120 yards or thereabouts in a south-westerly direction from the bridge which carries the Great Western Railway over the turnpike road leading from Bridgend to Tondû and terminating by a junction with the Railway No. 1 by this Act authorised:

A Railway No. 3 (three furlongs and 7·60 chains in length) commencing in the hamlet of Newcastle Higher and parish of Newcastle by a junction with the South Wales section of the Great Western Railway and terminating in the hamlet of Newcastle Lower and parish of Newcastle by a junction with the Railway No. 2 by this Act authorised at the commencement thereof:

A Railway No. 4 (on the deposited plans referred to as Railway No. 5) (one furlong and 9·80 chains in length) commencing in the hamlet of Coity Lower and parish of Coity by a junction with the South Wales section of the Great Western Railway and terminating in the hamlet of Newcastle Lower and parish of Newcastle by a junction with the Railway No. 1 by this Act authorised.

Capital.

6. The capital of the Company shall be three hundred and sixty thousand pounds in thirty-six thousand shares of ten pounds each.

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Shares not to be issued until one-fifth paid.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share 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 is paid in respect thereof.

Calls.

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

Power to divide shares.

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

Dividends on half-shares.

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

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

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

Half-shares to be registered and certificates issued.

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

Terms of issue to be stated in certificates.

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

Forfeiture of preferred half-shares.

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

Preferred half-shares not to be cancelled or surrendered.

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

Half-shares to be half-shares in capital.

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

Power to borrow.

17. The Company may in respect of the capital of three hundred and sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole one hundred and twenty thousand pounds but no part thereof shall be borrowed until the whole of the capital of three hundred and sixty thousand pounds is issued and accepted and one-half thereof is paid up and the

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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 the whole of such capital has 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

18. The mortgagees of the undertaking 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.

Debenture stock.

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

Receipt clause in case of persons not sui juris.

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

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

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

Qualification of directors.

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

Quorum.

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

First directors.

26. Richard Robertson Lockett Edmund Lyons Evan-Thomas Robert Harvey Adam Fettiplace Blandy and three other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act.

Election of directors.

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

Limiting quantity of common land to be acquired.

27. Notwithstanding anything in this Act contained the Company shall not acquire for the purposes of the railways any greater quantity in the aggregate than six and a half acres of the common or commonable lands known as Old Castle Down in the parish of St. Bride's Major in the county of Glamorgan and the Company shall carry Railway No. 1 by a bridge over the bridle road and footpath in the property numbered on the deposited plans 1 in the parish of St. Bride's Major and shown on those plans as crossing the centre line of railway between the distances of three miles six furlongs and three miles seven furlongs marked on the said plans.

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Lands for extra-ordinary purposes.

28. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding five acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands.

29. 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.

Inclinations of certain roads.

30. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on Plan.	Parish.	Description of Road.	Intended Inclination.
26	Barry - -	Public road - -	1 in $8\frac{1}{2}$
35	Barry - - -	Public road - -	1 in 11

Widths of certain roadways.

31. The Company may make the roadway over the bridges by which the following roads will be carried over the railways of such width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on Plan.	Parish.	Description of Roadway.	Width of Roadway.
	Railway No. 1.		
44	Coity - - -	Public - -	20 feet
8	Ewenny - - -	Public - - -	20 feet
36	Llandow - -	Public - -	20 feet
11	Llantwit Major - -	Public - - -	20 feet
4	St. Athan - -	Public - -	20 feet
20	St. Athan - -	Public - - -	20 feet
60	Penmark - -	Public - -	20 feet

Power to divert roads as shown on deposited plans.

32. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so

much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :— A.D. 1889.

Railway.	Parish.	No. of Road on Plan.
No. 1	Llandow - - -	11
	Llantwit Major - - -	13
	Llantwit Major - - -	29
	Llantwit Major - - -	64
	St. Athan - - -	29 and 34

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to take easements &c. by agreement.

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

Restrictions on displacing persons of labouring class.

34. (1) The Company shall not under the powers of 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 last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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of employment of such persons and to all the circumstances of the case; and

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

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

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

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

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

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

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

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

Health Act 1875 and the scheme were one of the purposes of that Act : A.D. 1889.

(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 dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

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

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

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

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(11) 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.

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

35. 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 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 houses or other buildings or manufactories described in the First 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.

For the protection of the Great Western Railway Company.

Not to enter on lands of Great Western Company until plans of proposed works affecting that Company approved.

36. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect unless otherwise agreed between the Company and the Great Western Company (that is to say):—

(1) The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the works of that Company or execute any works whatever 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 an engineer appointed for that purpose by 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 appointed by the Great Western Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade:

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

(2) In constructing the railways or any of them by this Act authorised through or over the land and property of the Great Western Company the Company shall not deviate more than twenty yards from the centre line shown on the deposited plans where Railway No. 1 by this Act authorised crosses the railway of the Great Western Company without the previous consent in writing of that Company under their common seal and the said Railway No. 1 where the same is intended to cross the South Wales Railway of the Great Western Company shall be carried over that railway and works by means of a bridge of one span of not less than sixty feet on the square and a headway of not less than fourteen feet six inches high and such crossing of the said railway and works 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 No. 1 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 railways 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 and adjacent to the railways of the Great Western Company of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways 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:

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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 said railways or either of them or to any company or persons 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 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 bridge and other works by which the said Railway No. 1 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 appointed for that purpose by the Great Western Company and if and whenever the Company fail so to do after one month's notice in writing 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 certified by their engineer to be the amount of the expenditure 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 said railways or either of them of the Great Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railways of the Great Western Company or either of them so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue to either of the said railways of the Great Western Company:

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(7) Except for the purpose of constructing Railway No. 1 over and for the junctions of Railways Nos. 1 3 and 4 with the railways of the Great Western Company and which junctions or the substituted junctions herein-after referred to are 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 for the purposes of their works any of the lands of the Great Western Company or to alter vary or interfere with the railways of that Company or with any of the works thereof 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 crossings and junctions 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 any time or times hereafter should it be necessary for them to do so and at their own expense alter or remove the junctions of railways Nos. 3 and 4 respectively with their railways and substitute a new junction or junctions as the case may be therefor but so as such alteration or removal or substituted junction or junctions as the case may be shall not stop the traffic of the Railways Nos. 3 and 4 by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or junctions or the substituted junction or junctions as the case may be or the signals works and conveniences connected therewith :

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

(8) The Company shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount

Company to pay for easement.

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as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement :

Arbitration.

(9) 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 :

Saving rights of Great Western Company.

(10) Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Great Western Company otherwise than is by this Act expressly provided.

For protection of the Ogmore Dock and Railway Company.

37. And whereas Railway No. 1 by this Act authorised is intended to be carried over the authorised line of railway of the Ogmore Dock and Railway Company (herein-after called "the Ogmore Company") by means of a bridge Be it enacted for the protection of the Ogmore Company as follows (that is to say) :—

(1) The said bridge shall have a clear span of not less than twenty-six feet measured on the square and a headway of not less than fourteen feet six inches above the surface of the rails of the said authorised railway of the Ogmore Company :

(2) The said bridge and all works connected therewith shall be constructed in such position only and according to such plans drawings and specifications as shall be submitted by the Company or their engineer to the Ogmore Company or their engineer for approval and approved by them or him in writing before the works are commenced or in case of their or his refusal or neglect to approve the same within thirty days after they shall have been so submitted as shall be settled by an engineer to be appointed for that purpose by the President for the time being of the Institution of Civil Engineers in London :

(3) The Company shall at all times maintain the said bridge and works in good and substantial order and repair to the reasonable satisfaction of the engineer for the time being of the Ogmore Company And if and whenever the Company fail to do so the Ogmore Company may if they think fit make and do in and upon as well the lands and works of the Company as on their own lands and works all such works and things as they may reasonably think requisite in that behalf

And the cost thereof from time to time certified by their engineer shall be repaid to them by the Company and in default may be recovered with costs of action from the Company in any court of competent jurisdiction:

(4) The Company shall not in any manner in the execution of any of their works obstruct or interfere with the free uninterrupted and safe use of the railway of the Ogmore Company or the traffic thereof:

(5) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any persons in the employ of the Company or of their contractors or otherwise the railway of the Ogmore Company when constructed or any of the works connected therewith shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Ogmore Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of the railway of the Ogmore Company by reason of any of the matters or causes aforesaid the Company shall pay to that Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs of action by the Ogmore Company from the Company in any court of competent jurisdiction:

(6) The Company shall not be required to construct the said bridge unless the Ogmore Company have substantially commenced the construction of their said authorised railway at the time when the Company are constructing their railway at the said point of crossing but nothing herein contained shall prejudice or affect the powers of the Ogmore Company afterwards to construct their said authorised railway and the Company shall pay to the Ogmore Company the additional cost they will in that case be put to in constructing the bridge and works for carrying their said authorised railway under the railway of the Company:

(7) If any difference shall arise between the Company and the Ogmore Company as to the true intent and meaning of this section or the mode of giving effect thereto the same where

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not herein-before otherwise provided shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration:

(8) The Company and the Ogmore Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

Deposit money not to be repaid except so far as railway is opened.

38. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of nineteen thousand four hundred and thirty-two pounds three shillings and tenpence two pounds fifteen shillings per centum consolidated stock has been deposited with the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in respect of the application to Parliament for this Act And whereas the sum of sixteen thousand nine hundred and ninety-one pounds three shillings and tenpence part of the said sum of nineteen thousand four hundred and thirty-two pounds three shillings and tenpence consolidated stock is equal in value to five per centum upon the amount of the estimate in respect of the railways by this Act authorised and the sum of two thousand four hundred and forty-one pounds the remainder of the said sum of nineteen thousand four hundred and thirty-two pounds three shillings and tenpence consolidated stock is equal in value to five per centum upon the amount of the estimate in respect of a certain other railway originally proposed to be authorised by this Act but which was struck out of the Bill for this Act during its progress through Parliament Be it enacted that notwithstanding anything contained in the said Act the said sum of sixteen thousand nine hundred and ninety-one pounds three shillings and tenpence consolidated stock (which sum is herein-after referred to as the deposit fund) shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the

whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the High Court of Justice in England shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

39. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who 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 of Justice in England may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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Providing for release of part of deposit money.

40. On the application of the depositors at any time after the passing of this Act the High Court of Justice in England may and shall order that the said sum of two thousand four hundred and forty-one pounds consolidated stock the remainder of the said sum of nineteen thousand four hundred and thirty-two pounds three shillings and tenpence consolidated stock so deposited as aforesaid over and above the deposit fund and the interest and dividends thereon shall be transferred or paid to the depositors or as they shall direct.

Period for completion of works.

41. If the railways 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 railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Tolls.

42. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say) :—

In respect of passengers conveyed on the railways :

Class 1. For every person conveyed in a first class carriage per mile twopence :

Class 2. For every person conveyed in a second class carriage per mile one penny halfpenny :

Class 3. For every person conveyed in a third class carriage per mile one penny :

In respect of animals conveyed on the railways :

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence :

Class 5. For every ox cow bull or head of neat cattle conveyed in or upon any carriage per mile one penny halfpenny :

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny :

In respect of goods conveyed on the railways :

Class 7. For all coals ironstone and iron ore per ton per mile one halfpenny :

Class 8. For all pig-iron bar-iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise coke culm slack cannel cinders lime limestone sand chalk dung compost and all sorts of manure and all undressed materials for the repair of highways clay undressed stones for building pitching and paving bricks tiles common slates fire-

clay charcoal bats copper tin lead and other ores per ton per mile one penny:

Class 9. For all sugar grain corn flour potatoes hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop-iron sheet-iron and chains per ton per mile twopence:

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence:

In respect of carriages conveyed on the railways:

Class 11. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which any such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

Tolls for carriages &c.

43. For carriages supplied by the Company the Company may (in addition to the other tolls by this Act authorised) demand and take for or in respect of persons or animals goods articles matters or things comprised in either of the classes herein-before specified any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such persons or animals goods articles matters or things are respectively comprised (to wit):—

For Class 1 for each person per mile one penny:
For Class 2 for each person per mile three farthings:
For Class 3 for each person per mile one halfpenny:
For Class 4 for each animal per mile one penny:
For Class 5 for each animal per mile one penny:
For Class 6 for each animal per mile one halfpenny:
For Class 7 per ton per mile one-eighth of one penny:
For Class 8 per ton per mile one-eighth of one penny:
For Class 9 per ton per mile three farthings:
For Class 10 per ton per mile one penny:
For Class 11 for each carriage per mile twopence.

Tolls for propelling power.

44. The tolls which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed three-eighths of one penny per ton per mile for coals iron ore and

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iron or one penny per mile for each passenger or animal or for each ton of goods other than coals iron ore and iron in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

45. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say):—

Short distances.

For all passengers animals or goods conveyed on the railways for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

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

General weight.

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

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

Tolls for small parcels and articles of great weight.

46. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

For the carriage of small parcels on the railways:

For any parcel not exceeding seven pounds in weight threepence:

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence:

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence:

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence:

For any parcel exceeding fifty-six pounds but not exceeding one hundred pounds in weight one shilling and sixpence and for every additional one hundred pounds beyond one hundred pounds up to five hundred pounds ninepence:

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

For the carriage on the railways of single articles of great weight:

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand and take any sum not exceeding sixpence per ton per mile:

For the carriage of any single thing the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum rates for passengers.

47. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

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

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

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

Maximum rates for animals and goods.

48. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier (where any such service is performed by the Company) shall not exceed the following sums (that is to say):—

Class 4. For each animal fourpence per mile:

Class 5. For each animal twopence per mile:

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Class 6. For every calf or pig one penny per mile and for every other small animal three farthings per mile:

Class 7. For coals ironstone and iron ore (conveyed on the railway for a distance not exceeding fourteen miles) one penny per ton per mile For coals ironstone and iron ore (conveyed on the railway for a distance exceeding fourteen miles) three-fourths of one penny per ton per mile:

Class 8. One penny halfpenny per ton per mile:

Class 9. Threepence per ton per mile:

Class 10. Fourpence per ton per mile:

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half sixpence and one penny halfpenny for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton:

Provided also that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers' luggage.

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

Terminal station.

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

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

52. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railways of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the

Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

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

53. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Great Western Company to afford facilities or in default Company to have running powers over certain railways.

54. (1) The Great Western Railway Company (in this Act called "the Great Western Company") shall punctually and regularly forward and afford all reasonable facilities for goods and mineral traffic destined for or coming from the undertaking of the Company from or to any place on so much of the Llynvi and Ogmore section of the Great Western Railway as extends from the commencement of the Railway No. 1 by this Act authorised to and up the Llynvi Cwm Garw Ogmore Fawr Ogmore Fach and Avan Valleys respectively at rates per mile not greater than the lowest rate which shall for the time being be charged by the Great Western Company for like traffic to or from the same places from or to the docks at Cardiff Penarth or Barry and shall deliver all such traffic into and take the same from the sidings of the Company at the junction of Railway No. 1 by this Act authorised with the said Llynvi and Ogmore section without any terminal or other charge in respect thereof Provided that where any such traffic shall be carried on the Great Western Railway for a less distance than three miles the Great Western Company shall be entitled to charge in respect of such traffic as if it were carried on their railway for a distance of three miles and the Company shall in all respects be placed on at least as favourable a footing as any other company with regard to traffic exchanged with the Great Western Company to or from the portions of the railways of that Company to which the foregoing provisions apply :

(2) The Great Western Company shall from time to time afford at on and from their Bridgend Station and the railway into that station all proper and sufficient facilities for the reception accommodation forwarding interchange and delivery of all traffic of every description coming from or destined for the undertaking of the Company :

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(3) If at any time on application made to the Railway and Canal Commission sitting as arbitrators the said Commission shall decide that the Great Western Company have failed to give any of the facilities herein provided for and shall not within reasonable time after notice have remedied such failure then the Company and any other company or companies working the railways may run over and use with their engines and carriages for the purposes of their traffic of every description and with their clerks officers and servants the portions of railways and station following (that is to say):—

So much of the Llynvi and Ogmore section of the Great Western Railway as extends from the commencement of the Railway No. 1 by this Act authorised to and up the Llynvi Cwm Garw Ogmore Fawr Ogmore Fach and Avan Valleys respectively:

The Bridgend Station of the Great Western Company and the railway into that station:

Together with all stations upon or connected with the said portions of railways respectively and the roads signals water watering places engines sheds offices warehouses sidings junctions works and conveniences connected therewith and as regards traffic conveyed by the Company and any such company or companies as aforesaid they may demand tolls and charges upon and in respect of the said portions of railways and stations respectively not exceeding the tolls and charges authorised to be demanded in respect thereof.

Terms of such use.

55. The terms conditions and regulations in respect of the said use and the tolls or other consideration to be paid for the same shall (if not agreed upon between the company or companies exercising such powers and the Great Western Company) be from time to time determined by arbitration in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

Byelaws to be observed.

56. In running over and using any railway or portion of railway and in using any stations and conveniences in accordance with the provisions herein-before contained the regulations and byelaws for the time being in force on the undertaking so used shall be at all times observed so far as such byelaws shall be applicable.

Confirming agreement with Barry Company.

57. The agreement as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the Barry Company and the Company respectively and full effect may be and shall be given thereto Provided always that the said agreement shall be subject to revision by the Railway and Canal Commission for the protection of the interests of the public under the powers

of section twenty-seven of the Railways Clauses Act 1863 as if the same were a working agreement within the meaning of that section.

As to short-distance charge where running powers exercised.

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

Interest not to be paid on calls paid up.

59. 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.

60. 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 execute any other work or undertaking.

Saving rights of the Crown in the foreshore.

61. 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

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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.

Saving rights of the Duchy of Lancaster.

62. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by Her Majesty Her heirs or successors in right of Her said duchy.

Provision as to general Railway Acts.

63. 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 authorised by this Act.

Costs of Act.

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

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING LANDS BUILDINGS AND MANUFACTORIES WHEREOF PARTS ONLY MAY BE REQUIRED TO BE TAKEN BY THE COMPANY.

Railway.	Parish.	Number on deposited Plan.	Description of Property.
1	Newcastle -	3	Mill leet.
,,	,, -	9	Rickyard and farm buildings.
,,	,, -	22	Old quarry, waste ground, and cartshed.
,,	,, -	50	House, garden, outbuildings, and premises.
,,	,, -	57	Reservoir and works.
,,	,, -	78	Field, rickyard, and stable.
,,	,, -	83A	Plantation.
,,	Penmark -	14	Garden.
,,	Porthkerry -	45	Playground, public footpaths, and chaff cutter.
2	Newcastle -	22	Old quarry and cartshed.

SECOND SCHEDULE.

ARTICLES OF AGREEMENT made and entered into this eighth day of July 1889 between NORTH'S NAVIGATION COLLIERIES 1889 LIMITED RICHARD ROBERTSON LOCKETT EDMUND LYONS EVAN-THOMAS and ROBERT HARVEY all of the City of London Merchants herein-after called the Promoters of the one part and the BARRY DOCK AND RAILWAYS COMPANY herein-after called the Barry Company of the other part.

WHEREAS the Promoters have introduced a Bill into Parliament for the incorporation of a company to be called the Vale of Glamorgan Railway Company herein-after called "the Glamorgan Company" and for the construction of certain railways situate in the county of Glamorgan:

AND WHEREAS the Promoters intend upon the Bill obtaining the Royal Assent to proceed forthwith with the construction of the said railways and they are desirous that the Barry Company shall when the same has been completed work the same:

NOW THEREFORE THESE PRESENTS WITNESS and it is hereby mutually agreed and declared by and between the Promoters for and on behalf of

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themselves and so far as they can legally bind that Company for and on behalf of the Glamorgan Company and the Barry Company as follows:—

1. This agreement to be subject to the sanction of Parliament and to be scheduled to the first Bill which shall be promoted in Parliament by the Glamorgan Company or the Barry Company.

2. The Glamorgan Company at their own expense to make and complete the Vale of Glamorgan Railway as authorised by the proposed Act as a single line on the 4 ft. 8½ in. gauge but with land and over bridges and abutments of under bridges for a double line with at least four convenient passing places of 400 yards in length and with an electric telegraph and instruments for block working and speaking and all proper and sufficient sidings junctions stations engine sheds warehouses station-houses sheds fixed cranes weighbridges water tanks water cranes connected with a sufficient supply of water turntables station and other fittings and furniture signals signal and other lamps and all other works and conveniences fixtures fittings and appliances necessary for the complete equipment of the undertaking and the reception loading unloading and conveyance of traffic thereon as are usually provided by an owning company (except rolling stock and consumable stores) including junctions at Barry Station with the Barry Company s railway and at least 1½ miles of sidings to be constructed at the junction of Railway No. 1 with the Tondû Branch of the Great Western Railway Company and at least one mile of sidings at or near the Barry end of the line to be laid out as may be agreed with the engineer for the time being of the Barry Company The sidings before mentioned to be made on land of the Glamorgan Company The station-houses and other erections to be constructed of stone or brick if required by the engineer of the Barry Company The fences and other works to be of material and construction and the fences to be planted with quick-thorn to the satisfaction of the said engineer The permanent way to be of the same material specification and weight as that of the main line of the Barry Company the viaducts and bridges to be of stone brick iron or steel The intermediate stations not to exceed six in number unless both parties agree All works to be constructed and equipment and appliances to be provided to the reasonable satisfaction of the Barry Company's engineer and of the Board of Trade.

3. The Glamorgan Company shall out of the share of the receipts hereinafter assigned to them pay the charges of the Great Western Railway Company by way of rent for the user of the Bridgend Station and conveniences and of the line giving the means of access thereto The Barry Company shall pay the charges made in respect of working services rendered by the Great Western Company at such station and upon the said line giving access thereto.

4. The junction with the Barry Railway to be made as shown on a plan which has been signed simultaneously with this agreement by the engineers of the two Companies and the Barry Company to grant a perpetual easement to the Glamorgan Company over the land required for such junction The Glamorgan Company to pay to the Barry Company for the said easement for a double junction the sum of 200*l*.

5. No contracts relating solely to the management maintenance repair or working of the Vale of Glamorgan Railway to be made except by the Barry Company All other contracts involving conditions or engagements to be

directly or indirectly binding on or fulfilled by the Barry Company to be made subject to the approval of that Company.

6. The Vale of Glamorgan Railway and all works connected therewith to be maintained by the Glamorgan Company for twelve months after the date of the Barry Company commencing to work the same to the reasonable satisfaction of the Barry Company's engineer.

7. If and whenever after the opening for public traffic of the Vale of Glamorgan Railway additions to the sidings stations works equipment or conveniences thereof or the doubling the whole or any portion of the line are found requisite for public safety or for the safe and convenient working reception accommodation conveyance or delivery of traffic the Glamorgan Company to make the same to the reasonable satisfaction of the Barry Company's engineer Provided that after the railway shall have been opened for public traffic as before mentioned the Glamorgan Company shall not be bound for the purpose of providing additional accommodation to expend more than the amount authorised to be raised by them by shares and by borrowing but if a greater expenditure for any of the purposes aforesaid be found requisite the Barry Company shall find the capital necessary and be entitled to deduct from the share of the receipts assigned to the Glamorgan Company half-yearly interest on such capital at the rate of four per cent. per annum for the time such capital has been advanced for the purpose of providing such necessary works In case of difference the necessity of providing such additional works or for doubling shall be decided by arbitration.

8. From and after the completion for public traffic to the satisfaction of the Board of Trade of Railways Nos. 1 and 4 of the Glamorgan Company the Barry Company to manage man stock with rolling stock (but not trucks for mineral traffic) and work the Vale of Glamorgan Railway with its sidings stations works and conveniences in a proper safe and convenient manner so as to fairly and fully develop the traffic of the district but the number (if any) of passenger trains to be run beyond two trains each way per day shall be in the sole discretion of the Barry Company and in the event of powers being obtained giving rights of user of any other company's railway the Barry Company to exercise those rights on behalf of the Glamorgan Company so as to fairly accommodate the traffic of the district Provided always that the Barry Company shall be entitled from time to time to deduct out of the share of receipts assigned to the Glamorgan Company one-half part of any loss sustained by the Barry Company in the exercise of such rights of user (except in the case of the rights of user of the Bridgend Station of the Great Western Railway Company which has herein-before been specially provided for).

9. The Barry Company after the opening for traffic of the railway to pay all rates and taxes usually paid by tenants and after the expiration of the twelve months provided for by clause 6 to keep the railway its sidings stations works and conveniences in substantial repair.

10. The Barry Company to receive the gross receipts from all descriptions of traffic passing on or over any part of the Vale of Glamorgan Railway including all terminals wharfage warehouse rents cartage advertising and any other receipts derived from or connected with the transport of traffic over or the use of the Vale of Glamorgan Railway or any part thereof and from refreshment

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rooms and automatic machines (except the receipts for the use of trucks for mineral traffic).

11. All payments for Government duty cartage paid ons paid out proportions due to other companies (except as herein-before specially provided for in respect of the Bridgend Station of the Great Western Railway Company and the line giving access thereto) the running company's proportion allowed to the Barry Company for working traffic over other companies' lines or other usual deductions from gross receipts shall be deducted before the sum for division between the Barry Company and the Glamorgan Company shall be arrived at.

12. All rent for superfluous lands shall belong wholly to the Glamorgan Company.

13. Out of such gross receipts after deduction as above provided the Barry Company shall retain the proportion of 60 per cent. which shall include all railway charges for the working and use of the Barry Company's railways up to the tip or quay (but shall not be held to include wharfage or quayage tipping siding rent payable under the Barry Company's Acts or any other dock charge) and shall subject to any deduction which the Barry Company may be entitled to make under the provisions of clause 8 pay the balance of 40 per cent. to the Glamorgan Company as herein-after provided.

14. In the event of lower rates being charged to or from Barry viâ Peterston for traffic from or to the sections of the Great Western Railway over which the Glamorgan. Company may have contingent running powers than the rates from time to time in force viâ the Vale of Glamorgan Railway or in the event of such traffic being otherwise dealt with on more favourable terms than traffic conveyed over the Vale of Glamorgan Railway the Barry Company shall if so required by the Glamorgan Company reduce proportionately the rates viâ the Vale of Glamorgan Railway.

15. The proportion of the gross receipts payable to the Glamorgan Company shall be paid by the Barry Company to the Glamorgan Company within three months after the end of the month in which the traffic is carried.

16. The Barry Company shall keep render and vouch all proper accounts.

17. The tolls rates and fares shall from time to time be fixed by the Barry Company so as fairly to develop the traffic and in the event of the Glamorgan Company objecting to any of the tolls rates and charges so fixed the same shall be settled by arbitration in manner herein-after provided.

18. This agreement to be subject to the approval of the proprietors of the Barry Company at a general meeting of the Company and the majority to approve of the agreement shall be three-fifths of the votes of the proprietors present in person or by proxy at such meeting.

19. All differences between the two Companies relative to the meaning and construction of this agreement and all questions as to the carrying into effect of any of its provisions or anything to be done by either of the parties hereto to be determined by arbitration in manner provided by the Regulation of Railways Act 1873.

20. The Promoters undertake immediately after the Act receives the Royal Assent to cause the seal of the Glamorgan Company to be affixed hereto.

21. This agreement shall continue in full force and effect in perpetuity

22. The Glamorgan Company shall apply the proportion of gross receipts payable to that Company as follows :—

(A) In payment of the property or income tax and of the rentcharges for land and all other rents or charges which have been or may be properly payable for the current period by that Company in respect of the Vale of Glamorgan Railway and of the moneys payable by them under this agreement.

(B) In payment of the remuneration and salaries of the directors auditor secretary and officials of their company.

(C) In payment of interest upon the debentures or debenture stock mortgages and loans of the Company.

(D) In payment of dividends on the paid-up capital of the Company.

As witness the hands and seals of the parties hereto of the first part and the seal of the Barry Dock and Railways Company the day and year first before written.

Signed and sealed by the above named Richard Robertson Lockett Edmund Lyons Evan-Thomas and Robert Harvey and the common seal of North's Navigation Collieries (1889) Limited affixed in the presence of

F. W. Blunt
95 Gresham Street
London
Solicitor.

RICHD. R. LOCKETT. L.S.

E. L. EVAN-THOMAS. L.S.

ROB. HARVEY. L.S.

Common Seal of North's Navigation Collieries (1889) Limited.

The seal of the Barry Dock and Railways Company was affixed in the presence of

G. C. DOWNING
Secretary
Barry Dock and Railways Company.

Seal of the Barry Dock and Railways Company.

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