



CHAPTER cxvii.

An Act for empowering the Cardiff Railway Company to construct a new railway and works and to abandon the construction of a portion of railway already authorised for extending the time for the completion of certain railways and works and for other purposes.

A.D. 1903.

[21st July 1903.]

WHEREAS under the Bute Docks (Transfer) Act 1886 the Bute Docks Company were incorporated and became the owners of the Bute Docks at Cardiff in the county of Glamorgan:

49 & 50 Vict.
c. lxxxvi.

And whereas by the Cardiff Railway Act 1897 (hereinafter called "the Act of 1897") the Company were authorised to construct certain railways in the county of Glamorgan and the name of the Company was changed and is now the Cardiff Railway Company (in this Act called "the Company"):

60 & 61 Vict.
c. ccvii.

And whereas it is expedient to sanction an alteration of the levels of a portion of Railways Nos. 1 and 4 authorised by the Act of 1897:

And whereas it would be of public and local advantage to empower the Company to construct the line of railway in this Act described being a deviation of Railway No. 7 authorised by the Cardiff Railway Act 1898 (hereinafter called "the Act of 1898"):

61 & 62 Vict.
c. cclxii.

And whereas it is expedient that the period limited for completion of the dock and railway authorised by the Bute Docks Act 1894 and of the Railway No. 1 authorised by the Cardiff Railway Act 1899 (hereinafter called "the Act of 1899") be extended:

57 & 58 Vict.
c. cliv.
62 & 63 Vict.
c. lxi.

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the line and levels of the railway and works authorised by this Act and plans of the lands which may be taken for the purposes of this Act and also

A.D. 1903. 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 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 books of reference:

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):—

Citation of Acts.

1. This Act may be cited as the Cardiff Railway Act 1903 and the Bute Docks and Cardiff Railway Acts 1865 to 1901 may be cited together with this Act as the Bute Docks and Cardiff Railway Acts 1865 to 1903.

Incorporation of general Acts.

2. The Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 and Part I. (Construction of a railway) and Part II. (Extension of time) of the Railways Clauses Act 1863 (so far as they are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with this Act.

Terms and expressions to which by any of the Acts wholly or in part incorporated herewith meanings are assigned have in this Act the same respective meanings.

Power to make works and to acquire lands.

3. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway and works hereinafter described with all proper stations junctions sidings approaches works and conveniences connected therewith and may enter on take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

A Railway No. 2 (1 mile 1 furlong 6·2 chains in length) being a deviation of Railway No. 7 authorised by the Act of 1898 commencing by a junction with the said Railway No. 7 at a point on that railway 4 furlongs 4·1 chains or thereabouts from the commencement thereof as shown on the plans deposited in reference to the Act of 1898 and terminating by a junction with Railway No. 1 as authorised by and constructed under the Act of 1897 at a point on that railway 28·7 chains or thereabouts measured in an easterly direction along that railway from the centre of the bridge carrying the main road from Cardiff to Caerphilly over that railway;

An alteration of the levels of a portion of Railway No. 1 authorised by the Act of 1897 and of a portion of Railway No. 4 authorised by that Act (on the plans deposited in reference to that Act called Railway No. 6) and altered in level by the Cardiff Railway Act 1901 commencing at a point on the said Railway No. 1 8 miles 1 furlong 4·9 chains or thereabouts from the commencement thereof as shown on the plans deposited in reference to the Act of 1897 and terminating at a point on the said Railway No. 4 4 furlongs 8·8 chains or thereabouts from the commencement thereof as shown on the plans deposited in reference to the Act of 1897.

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4. Subject to the provisions of this Act the Company may in addition to the other lands which they are authorised to acquire by this Act enter on take and use for the purposes of their undertaking all or any of the lands following delineated upon the deposited plans and described in the deposited books of reference (that is to say):—

Additional powers as to lands.

Certain lands in the parish of Eglwysilan and urban district of Caerphilly in the county of Glamorgan lying on the east side of the Glamorganshire Canal and extending from the southern end of the cottages known as Forest Row to the southern end of the canal lock near the bridge carrying the Walnut Tree Branch of the Rhymney Railway over the said canal and all houses and buildings on such lands :

Provided that 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 or permitted by them on any of the lands acquired under this section.

5. 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.

Power to grant easements &c.

6.—(1) The Company shall not under the powers of this Act or under the powers of any former Act as extended by this Act purchase or acquire in any borough or other urban district and

Restrictions on displacing persons of labouring class,

A.D. 1903. elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were or have been since that day or shall hereafter be occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

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

(B) Shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

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

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

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

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the

foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty. A.D. 1903.

(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 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

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

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

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

(8) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 the provisions of that section and of sections 155 and 156 of the same Act shall apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

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

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

(11) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board are unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(12) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means 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.

7. 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.

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Period for compulsory purchase of lands.

8. Without prejudice to the powers of deviation contained in the Railways Clauses Consolidation Act 1845 the Company may in making the railway and works by this Act authorised deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and may in carrying out the alteration of the levels of the portions of railways by this Act authorised deviate vertically from the levels of the work shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Power to deviate.

9. During the execution of the works by this Act authorised and for the purposes and subject to the provisions of this Act the Company may from time to time alter divert or stop up temporarily any public streets roads bridges and watercourses in any of the lands shown on the deposited plans and specified in the deposited books of reference and any sewers drains gaspipes waterpipes and electric or other machinery or apparatus in or under any such public streets roads and bridges doing as little damage as may be and providing substitutes for any sewers drains gas pipes or water pipes or electric or other machinery or apparatus so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section :

Power to alter roads temporarily.

Provided that the Company shall not alter divert or in any way interfere with any electric apparatus or other property belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 :

Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply otherwise than in accordance with the provisions of that section.

10. For the protection of the Rhymney Railway Company (hereinafter called "the Rhymney Company") the following provisions shall have effect (that is to say) :—

For protection of Rhymney Railway Company.

- (1) The Company shall not for the purposes of this Act enter upon or interfere with the railway of the Rhymney Company or any of the lands or works of that company until the Company shall have delivered to the Rhymney Company plans and drawings of the intended works and those plans and drawings shall have been approved in writing by the engineer of the Rhymney Company or in the event of his

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failure for fourteen days after the delivery of the plans and drawings to approve the same 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 engineer of the Rhymney Company or in case of difference in manner hereinafter provided :

- (2) In constructing the Railway No. 2 under the embankment of the Rhymney Railway numbered 34 on the deposited plans parish of Llanishen the Company shall construct their bridge of such a width as shall leave room between the parapets for the future extension of the Rhymney Railway so as to allow of four lines of railway in all being hereafter carried upon the said bridge with sufficient space between the main lines and the extended lines to meet the requirements of the Board of Trade :
- (3) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Rhymney Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during and in consequence of 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 Rhymney 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 :
- (4) Notwithstanding anything in this Act contained the Company shall not except by agreement take or acquire any land of the Rhymney Company but the Company may purchase and the Rhymney Company shall grant to the Company such easement or right of using the lands of the Rhymney Company as shall be necessary for making and maintaining Railway No. 2 under the said embankment of the Rhymney Company in manner aforesaid :
- (5) The Company shall pay to the Rhymney Company by way of purchase or compensation for the easement or right aforesaid such an amount as may be agreed upon or in case

of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement: A.D. 1903.

- (6) If any difference shall arise between the Rhymney Company and the Company under the foregoing provisions (except subsection (5)) such difference shall be determined 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. For the protection of the mayor aldermen and burgesses of the county borough 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) :— For protec-
tion of cor-
poration of
Cardiff.

- (1) The bridge to carry Railway No. 2 over the road numbered on the deposited plans 10 in the parish of Llanishen shall be a flat girder bridge and shall have throughout a clear span of not less than 40 feet and a clear headway of not less than 16 feet above the surface of the said road where crossed by that railway :

- (2) The provisions contained in subsections 1 15 16 18 19 20 and 22 to 30 inclusive of section 15 of the Cardiff Railway Act 1898 and subsection 6 of section 6 of the Cardiff Railway Act 1899 shall extend and apply mutatis mutandis and so far as applicable to and in relation to the railway and works to be executed and the powers to be exercised under the powers of this Act and to the Company and the corporation in relation thereto and shall be deemed to be incorporated with this Act accordingly.

12. The agreement dated the twenty-sixth day of March one thousand nine hundred and three between the Company and the Llandaff and Dinas Powis Rural District Council as set forth in the Schedule to this Act is hereby confirmed and made binding on the parties thereto. Confirming
agreement
with Llandaff
and Dinas
Powis Rural
District
Council.

13. And whereas in order to avoid in the execution and main-
tenance of any works authorised by this Act injury to the houses
and buildings within one hundred feet of the railway and works by
this Act authorised it may be necessary to underpin or otherwise
strengthen the same Therefore the Company at their own costs and
charges may and if required by the owners or lessees of any such
house or building shall subject as hereinafter provided underpin or
strengthen houses near
railway.

A.D. 1903. otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such

injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

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(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

14. If the railway by this Act authorised is not completed within seven 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 said railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for
completion
of works.

15. If the Company fail within the period limited by this Act to complete the railway by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the 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 works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854.

Penalty un-
less railway
is opened
within time
limited.

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 accident or circumstances beyond their control

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

Application
of penalty.

16. 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 on 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. 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 in respect of which the penalty has been incurred 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 retransferred to the Company.

Railway to
form part of
undertaking
of Company
for tolls and
other pur-
poses.

17. The railway by this Act authorised shall for the purposes of tolls rates and charges and all other purposes be part of the undertaking of the Company and sections 21 to 25 of the Act of 1897 shall apply to the Company in respect of the railway by this Act authorised as if they were re-enacted in this Act.

Tolls for use
of railway by
other com-
panies.

18. The Company may demand and take for the use of the railway or any part thereof by any other company or person with engines and carriages such reasonable tolls as they think fit.

Power to
abandon con-
struction of
portion of
railway.

19. The Company may relinquish and abandon the construction of so much of Railway No. 7 authorised by the Act of 1898 as lies between the commencement of Railway No. 2 by this Act authorised and the termination of the said Railway No. 7.

Compensa-
tion for
damage to
land by entry
&c. for pur-
poses of rail-

20. The abandonment by the Company under the authority of this Act of any portion of any railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company

on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1898.

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way abandoned.

21. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of portions of railway abandoned.

22. The period limited by the Bute Docks Act 1894 for the completion of the dock by that Act authorised and of the railway authorised by the same Act (so far as not authorised to be abandoned by the Act of 1899) and the period limited by the Act of 1899 for the completion of the Railway No. 1 by that Act authorised are hereby respectively extended for three years from the expiration of such periods that is until the thirty-first day of July one thousand nine hundred and seven.

Extension of times for completion of works.

23. The Company may apply to any of the purposes of this Act to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Power to apply capital already authorised.

24. Whereas the Company have unexhausted powers of raising capital by the issue of shares or stock to the amount of nearly two million pounds and it is proposed to apply such capital as and when it is issued to the construction of works under the Bute Docks and Cardiff Railway Acts 1865 to 1901 and this Act or some of them and it is expedient to authorise the payment of interest on capital

Provisions as to payment of interest out of capital during construction,

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so applied during construction of the works irrespective of the particular Act under which the capital is raised to the extent and subject to the restrictions hereinafter mentioned. Therefore be it enacted that in every case where under any of the Bute Docks and Cardiff Railway Acts 1865 to 1901 or this Act capital shall after the thirty-first day of December one thousand eight hundred and ninety-nine have been or be raised for or applied to the construction of works it shall be lawful for the Company from time to time to pay interest out of any capital raised under any of the said Acts at such rate not exceeding three pounds per centum per annum as the directors of the Company may determine to any holder of shares or stock in such capital on the amount from time to time paid up on the shares or stock held by him from the respective times of such payments until the expiration of the time limited for the completion of the railway by this Act authorised or such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say):—

- (A) No such interest shall begin to accrue on any portion of share capital until the Company shall have deposited with the Board of Trade a statutory declaration by two of the directors and the secretary of the Company that two-thirds at least of the portion of share capital in respect of which it has been resolved to pay such interest has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:
- (C) The aggregate amount to be so paid for interest shall not exceed one hundred thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid:
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares:
- (E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Section 73 of the Act of 1897 section 38 of the Act of 1898 and subsection (2) of section 4 of the Cardiff Railway Act 1901 are hereby repealed and section 27 of the Act of 1899 is hereby repealed from the words "and notwithstanding" to the end of the section and save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by any 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. A.D. 1903. —

25. All rates tolls and charges payable to or receivable by the Company under this Act may be recoverable by them either summarily as a civil debt or at their option by action in any court of competent jurisdiction. Recovery of rates and tolls.

26. Nothing in this Act contained shall exempt the Company or the railway by this Act authorised 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. Provision as to general Railway Acts.

27. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act shall be paid by the Company. Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

AGREEMENT made this twenty-sixth day of March one thousand nine hundred and three between the CARDIFF RAILWAY COMPANY (hereinafter called "the Company") of the one part and the LLANDAFF AND DINAS POWIS RURAL DISTRICT COUNCIL (hereinafter called "the council") of the other part.

WHEREAS the Company are promoting a Bill (hereinafter called "the Bill") in the present session of Parliament for the purpose (amongst others) of authorising them to construct certain new railways of which Railway No. 2 will be in the district of the council and would or might if constructed interfere with certain footpaths and means of communication as well as with certain sewer and water pipes of the council or in which they are interested:

Now for the purpose of protecting the interests of the council and avoiding opposition by them to the Bill it is hereby agreed between the council and the Company (in the event of the Bill being passed and the said Railway No. 2 being constructed) that the following terms shall be carried out and complied with except so far as the parties hereto may otherwise agree:—

1. The Company shall take all reasonable precautions and make and maintain all such works as may be reasonably necessary for preventing as far as possible any injury to any sewage or waterworks or pipes of the council and make good all damage that may be occasioned thereto by the construction of the said railway.

2. Where the line of railway will cross the nine-inch stoneware sewer pipe of the council in the land No. 29 on the deposited plan in the parish of Llanishen the Company will at their own expense substitute iron pipes for the existing stoneware pipes for the distance for which the embankment will overlie the sewer with a manhole on each side of the railway.

3. Where the line of railway will cross the sewer in No. 36 on the deposited plan in the parish of Llanishen the railway bridge shall at the option of the Company either be so constructed that the sewer will be within its span or otherwise the sewer shall be so diverted by the Company as to come within the span of the bridge when constructed.

4. In any case not herein specially provided for in which the works of the Company shall cross or overlie any sewer of the council the Company shall bear any costs reasonably incurred in strengthening and securing such sewer and in repairing all damage which may from time to time be occasioned thereto by reason of the construction of the said works of the Company and the Company shall allow the council their officers agents workmen and contractors with or without materials to have free access at all times as far as practicable to any part of any such sewer so crossed or overlaid as aforesaid.

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5. The public footpath in the land No. 32 on the deposited plan in the parish of Llanishen shall at the option of the Company either be diverted so as to pass under the bridge to carry the railway over the public road near that place or a bridge or archway shall be made over the footway with a headway of ten feet and a width in the clear of eight feet.

6. All the aforesaid works shall be carried out by the Company at their expense and to the reasonable satisfaction of the surveyors for the time being of the council and the sheets of the deposited plans hereby referred to are to be considered as annexed to and forming part of the contract.

7. If any difference or dispute shall arise between the Company and the council touching any matter or thing herein contained such difference or dispute shall be determined by an engineer to be named if the parties cannot agree by the President for the time being of the Institution of Civil Engineers in London and the costs of and incidental to such determination shall be borne as such engineer shall direct.

8. The council shall not oppose the Bill.

9. This present agreement shall be in substitution for the agreement forming the Second Schedule to the Cardiff Railway Act 1898 as far as that agreement relates to the portion of authorised railway which will be abandoned and for which the said Railway No. 2 is intended to be substituted.

10. The Company shall use their best endeavours to procure this agreement to be scheduled to and confirmed by the Bill when passed into law subject to such alterations if any as Parliament may think fit to make therein.

In witness whereof the Company and the council have caused their respective common seals to be hereunto affixed the day and year first before written.

The common seal of the Cardiff Railway Company was hereunto affixed in the presence of

FRED. I. PITMAN

Director.

HENRY A. ROBERTS

Secretary.

Seal of the
Cardiff Railway
Company.

The common seal of the Llandaff and Dinas Powis Rural District Council was hereunto affixed in the presence of

M. WARREN

Clerk.

Seal of the
Llandaff and Dinas
Powis Rural
District Council.

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