



CHAPTER clvii.

An Act to empower the Taff Vale Railway Company to construct new Railways and to acquire additional Lands and to raise further Capital and for other purposes.

A.D. 1885.

[6th August 1885.]

WHEREAS it is expedient that the Taff Vale Railway Company (in this Act called "the Company") should be empowered to make the new railways and to acquire the additional lands in this Act respectively mentioned or referred to and to raise additional capital for those purposes and also for the general purposes of their undertaking:

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

And whereas it is expedient to extend the time now limited by the Taff Vale Railway Act 1883 for the purchase of lands for and for the construction and completion of the railway described in and authorised by that Act:

And whereas it is expedient that further and more effectual provision should be made with respect to the passage of traction engines steam rollers and other heavy vehicles across the railways of the Company and over bridges belonging to them or which they are liable to repair:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

A.D. 1885. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title. **1.** This Act may be cited for all purposes as the Taff Vale Railway Act 1885.

Incorporation of general Acts. **2.** The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883;

The Railways Clauses Consolidation Act 1845;

Part I (relating to construction of a railway) of the Railways Clauses Act 1863;

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

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

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

The making of dividends;

The borrowing of money on mortgage or bond;

The conversion of the borrowed money into capital;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

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

Interpretation. **3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the railway" or "the railways" means the railways by this Act authorised;

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 for the

purposes of this Act 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. A.D. 1885.

4. 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 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 deposited plans and described in the deposited book of reference as may be required for that purpose : Power to Company to make railways.

The railways hereinbefore referred to and authorised by this Act are situate in the county of Glamorgan and are—

1. A railway (No. 1) four miles six furlongs six chains and seventy-five links in length commencing in the parish of Whitchurch by a junction with the Company's main line of railway at or near the bridge carrying the public road from College Ironworks to Gwauntreoda Common over that railway and terminating in the parish of Roath by a junction with the Railway No. 1 described in and authorised by the Bute Docks Act 1882 at or near the termination thereof ;
2. A railway (No. 2) one furlong nine chains and seventy-five links in length in the parish of Roath commencing by a junction with Railway No. 1 at a point one hundred and forty yards or thereabouts measured in a north-easterly direction from the south-east corner of the yard of the Tharsis Copper Works and terminating by a junction with Railway No. 2 described in and authorised by the Bute Docks Act 1882 at a point three hundred and forty yards or thereabouts measured in a south-easterly direction from the said south-east corner of the yard of the Tharsis Copper Works.

5. With respect to tolls rates and charges and for all other purposes whatever the railways shall be part of the Company's railway and the Company may demand tolls rates and charges in respect thereof accordingly not exceeding the tolls rates and charges authorised by the Act Local and Personal 6 and 7 William the Fourth chapter 82 as altered or varied by the Taff Vale Railway Act 1857. Tolls, &c.

6. For the protection of the mayor aldermen and burgesses of the borough of Cardiff (hereinafter called "the Corporation") the following provisions shall have effect (that is to say) :— For protection of the Corporation of Cardiff.

1. Before commencing any of the works in this section mentioned the Company shall give to the Corporation seven days' notice

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in writing of their intention to commence the said works and the Company shall take all reasonable precautions and do and maintain such works for preventing as far as possible any injury to the works and property of the Corporation and make good all damage which may be occasioned thereby :

2. The Company shall alter Allen's Bank Road so that it shall be level from a point two hundred feet east of the centre line of the Railway No. 1 at the intended bridge to carry the said road over the railway to a point four hundred and seventy-five feet west of the said centre line and shall construct the embankment of the altered road so as to have on the top thereof a width of twenty-five feet and shall construct the said bridge so as to have throughout a width between the parapets of twenty-five feet and if at any future time the Corporation widen the said road to the width of forty feet the Company will at their own cost widen the said bridge so as to be of the width of forty feet throughout between the parapets The Corporation shall provide the land for and pay the cost of so much of the said alteration of level of the said road as is situate between the said western termination thereof and a point one hundred and ninety-eight feet east of that point :
3. The Company shall if necessary reconstruct the bridge or culvert being the joint property of the Corporation and the Llandaff Highway Board which carries the Allen's Bank Road over the Wedal Brook so that it may be sufficient to support the weight of the embankment over that brook :
4. At the point where Railway No. 1 passes under the Penylan Road the Company shall construct a bridge having a full width of thirty-five feet between the parapets and sufficiently strong to carry a fifteen tons steam road-roller The foundation of the abutments of the bridge shall be constructed with relieving arches in such a manner as to permit the intended new sewer being constructed under such bridge and railway as though such bridge had not been built :
5. The Company shall divert to the south of the proposed Railway No. 1 and to the reasonable satisfaction of the Corporation that portion of the public footpath leading from Fair Oak to Pontyllechu which lies between the points where it is proposed to be crossed by the said railway :
6. The Company shall construct a bridge not less than eight feet wide between the fences so as to carry the footpath leading from Roath Church to Penylan over Railway No. 1 :

7. In every case where Railway No. 1 crosses over the Roath Brook the Company shall construct and maintain an archway or culvert having an efficient sectional area of not less than one hundred and twenty square feet :
8. At the point where Railway No. 1 crosses the Newport Road the Company shall construct and maintain a bridge of a clear width throughout of fifty feet between the abutments measured at right angles to the line of roadway and with a clear headway throughout of not less than sixteen feet above the surface of the roadway and shall construct the abutments and wings so as to be parallel with the line of the existing roadway and shall form efficient drains behind the wings and abutments to prevent percolation through the work on to the footpath and shall to the reasonable satisfaction of the Corporation erect efficient coverings or shields with all necessary gutters and down pipes to prevent as far as practicable the dripping of water from the bridge on to the footpaths and roadway and side screens of not less than six feet in height above the level of the rails to hide the sight of engines and trains on the railway from the view of persons and horses using the road :
9. If the Corporation at any time desire that the said bridge should be widened to a width of sixty feet the Company shall widen the same accordingly at the cost in all respects of the Corporation :
10. In every case where the railways cross over any of the existing sewers of the Corporation and where Railway No. 1 crosses the lines of proposed sewers at Newport Road and Penylan Road the Company shall bear any costs incurred in strengthening and securing the said sewers from all damage which may be occasioned by reason of the execution of the said works and shall for ever uphold and maintain in good and efficient repair to the reasonable satisfaction of the Corporation such portions of the said existing and intended sewers as may be altered diverted or otherwise interfered with and the Company shall allow the Corporation their officials agents workmen contractors and materials to have free access at all times to any part of the sewers so crossed covered altered diverted or otherwise interfered with and shall where Railway No. 1 crosses the existing sewer at the distance on the deposited plans of four miles and four chains provide a bridge under their railway of fifteen feet wide and eight feet high for the use of the Corporation their officials agents workmen contractors and materials :

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11. In case the Corporation at any future time require to construct any sewer parallel with or in close proximity to any existing sewer at the points where any such existing sewer is to be crossed by any of the railways the Company shall give the Corporation all reasonable facilities for carrying out the work required in the construction of any such sewer and shall bear all the extra costs incurred in strengthening and securing from damage the said sewers respectively :
12. The provisions of sections 18 to 23 both inclusive of the Railways Clauses Consolidation Act 1845 shall extend and apply to and in relation to the water mains pipes and apparatus of the Corporation and in construing those sections for the purposes of this Act the expression "water company" or "society" when used in those sections shall mean the Corporation :
13. The Company shall bear all the costs incurred by the Corporation in laying a new line of fifteen-inch main water pipes and also the twelve-inch scouring pipes and connecting the same with the existing water main and pipes at the end of the portion of the embankment of Allen's Bank Road to be constructed at their cost as aforesaid And the Company shall also make provision in the said embankment to the reasonable satisfaction of the Corporation for carrying the present water mains and the intended new thirty-inch water main and the twelve-inch scouring pipe of the Corporation the walls to be of such width and height as may be required by the Corporation :
14. At the points where the railways cross under the Penylan Road and the Merthyr turnpike road the Company shall so construct the bridges as to safely contain support and protect two lines of main pipes of nine inches and four inches in diameter respectively :
15. All works to be executed by the Company under the provisions of this section shall be executed and maintained by and at the expense of the Company and to the reasonable satisfaction of the borough engineer of the Corporation :
16. If any difference or dispute arise between the Corporation and the Company touching this section or anything to be done or any money to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed by the Board of Trade on the application of either party and the costs of and incident to the arbitration shall be borne as he shall direct :

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

18. Save in this Act expressly provided nothing in this section shall extend to prejudice diminish alter or take away any of the rights powers and authorities vested or to be vested in the Corporation but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

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

For the protection of the Great Western Railway Company.

1. The Company shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that Company or execute any works whatever under over or affecting the same until the Company shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed by the Board of Trade :

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

2. In constructing the Railway No. 1 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 crosses the railway of the Great Western Company (hereinafter referred to as the Great Western Railway) 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

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

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Great Western Railway shall be carried over that railway and works by means of a bridge of three spans two of them not less than fifty-eight feet each on the square and one of not less than forty-eight feet on the square and a headway of not less than fourteen feet six inches high and such crossing of the railway shall be effected in such a manner as not to injure the stability of the railway and works of the Great Western Company in any way whatever And should it be necessary in constructing the said bridge or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them at or near to the said crossing the Company shall bear and on demand pay to the Great Western Company the expenses of and connected with such alteration and removal and of 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 Great Western Railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise :

(Damages sustained by Great Western Company to be repaid.)

4. Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall 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 :

5. The Company shall at their sole expense at all times maintain the bridge and other works by which the Railway No. 1 by this Act authorised shall be carried over the railway and property of the Great Western Company in substantial repair good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company and if and whenever the Company fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the land of the Company as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time 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 :
6. In constructing the said Railway No. 1 the Company shall not in any way obstruct or interfere with the traffic passing along the Great Western Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said Great Western Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Western Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue :
7. Except for the purpose of the crossing of the said Railway No. 1 over the Great Western Railway the Company shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railway of that Company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the said Railway No. 1 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

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

(Not to interfere with traffic on Great Western Railway.)

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

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time authorised to purchase take use enter upon or interfere with for the purpose of such crossings or otherwise the Company shall not purchase or take any greater or other estate 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 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:

(Company to pay for easement.)

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 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 the protection of the Rhymney Railway Company.

(Not to enter on lands of Rhymney Company until plans of proposed works affecting that Company approved.)

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

1. The Company shall not enter upon or interfere with the railway of the Rhymney Company or any of the lands or works of that Company or execute any works whatever under or affecting the same until the Company shall have delivered to the Rhymney Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Rhymney Company or in the event of his failure for fourteen days after delivery of the plans and drawings until the same shall have been approved by an engineer to

be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Rhymney Company or in case of difference by an engineer to be appointed by the Board of Trade :

2. In constructing the Railway No. 1 by this Act authorised through or over the land and property of the Rhymney Company the Company shall not deviate more than twenty yards from the centre line shown on the deposited plans where Railway No. 1 crosses the railway of the Rhymney Company (hereinafter referred to as the Rhymney Railway) 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 Rhymney Railway shall be carried under that railway and works by means of a bridge of sufficient width to allow the Rhymney Company if and when they so require to lay down four lines of rails over the same and of such span as the engineer of the Company thinks proper not being greater than sufficient to admit of four lines of rails being laid under the same and such crossing of the railway shall be effected in such a manner as not to injure the stability of the railway and works of the Rhymney Company in any way whatever And should it be necessary in constructing the said bridge or in consequence of the construction thereof for the Rhymney Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them at or near to the said crossing the Company shall bear and on demand pay to the Rhymney Company the expenses of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor :
3. The Company shall bear and on demand pay to the Rhymney Company the reasonable expense of the employment by them during the making of the railways by this Act authorised under and adjacent to the Rhymney Railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or

(As to execution of the railways on lands of Rhymney Company.)

(Company to pay to the Rhymney Company expenses of watchmen during construction of works.)

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defaults of any person or persons in the employ of the Company with reference thereto or otherwise :

(Damages sustained by Rhymney 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 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 the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise and the Company shall 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 :

(Maintenance of works affecting the railways of the Rhymney Company.)

5. The Company shall at their sole expense at all times maintain the bridge and other works by which the Railway No. 1 by this Act authorised shall be carried under the railway and property of the Rhymney Company in substantial repair good order and condition to the reasonable satisfaction in all respects of the engineer for the time being of the Rhymney Company and if and whenever the Company fail so to do after one month's notice from the Rhymney Company for that purpose or in case of urgency the Rhymney 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 Rhymney 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 Rhymney Company from the Company in any court of competent jurisdiction :

(Not to interfere with traffic on Rhymney Railway.)

6. In constructing the said Railway No. 1 the Company shall not in any way obstruct or interfere with the traffic passing along the Rhymney Railway and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said Rhymney Railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Rhymney Company the sum of twenty pounds per hour during which any such obstruction or interference shall continue :

7. Except for the purpose of the crossing of the said Railway No. 1 under the Rhymney Railway the Company shall not take or acquire any land of the Rhymney Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Rhymney Company or to alter vary or interfere with the railway of that Company or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the said Railway No. 1 without the consent in writing in every instance for that purpose first had and obtained of the Rhymney Company under their common seal and with respect to any lands of the Rhymney 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 or otherwise the Company shall not purchase or take any greater or other estate 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 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:
8. The Company shall pay to the Rhymney Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement:
9. If any dispute shall arise between the Rhymney 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:
10. Nothing in this Act contained shall extend to prejudice diminish alter or take away any of the rights privileges or powers of the Rhymney Company otherwise than is by this Act expressly provided.

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(No land of Rhymney Company to be taken except for certain works.)

(Company to pay for easement.)

(Arbitration.)

(Saving rights of Rhymney Company.)

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Land for extraordinary purposes.

9. The quantity of land which the Company may acquire for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres. But the Company shall not for those purposes purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers.

Imposing penalty unless railways opened.

10. If the Company fail within the period limited by this Act to complete the railways 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 uncompleted railway or railways is or are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway or railways :

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

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 the said third section to an account opened or to be opened in the name and with the privity of the Paymaster General for and on behalf of the Supreme Court of Judicature in the bank and to the credit named 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 the railway or railways by unforeseen accident or circumstances beyond their control. Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty in compensation to parties injured by non-completion of railways.

11. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or railways or any portion thereof or who may 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 shall have been paid and shall be distributed

in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice may seem fit :

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have 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 either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division 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 said Chancery Division 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.

12. If the railways are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Period for completion of railways.

13. Subject to the provisions of this Act the Company in the lines and according to the levels shown upon the deposited plans and sections relating thereto may make the deviations of road and exercise the other powers hereinafter mentioned and may enter upon take and use such of the lands delineated on the deposited plans thereof and described in the deposited book of reference relating thereto as may be required for those purposes :

Power to divert road, &c.

They may divert—

1. So much of the public road from Pontypridd to Dinas on the southern side of the Company's Rhondda Fawr Branch Railway as extends from a point twenty-five yards or thereabouts measured in an easterly direction from the eastern side of the Gyfeillion Bridge over the Rhondda Fawr River near Gyfeillion House to a point one hundred and twenty yards or thereabouts measured in a westerly direction from the same point ;
2. So much of the same public road on the southern side of the said branch railway as extends from a point seventy-five

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yards or thereabouts measured in an easterly direction from the north-east corner of "The Farmers" Hotel at Tre-Hafod to a point opposite the south-east corner of the same hotel :

So soon as the said deviations are completed and opened to the public all rights of way over so much of the existing road as will not form part of the said deviations shall be extinguished and the Company may appropriate and apply the same to the purposes of their undertaking.

Power to
Company
to acquire
lands.

14. Subject to the provisions of this Act the Company may in addition to the other lands which they are by this Act authorised to acquire enter upon take and use for purposes connected with their undertaking the lands houses and buildings in the county of Glamorgan hereinafter described and delineated on the deposited plans and described in the deposited book of reference relating thereto that is to say :—

In the Parish of Llantwit Fardre.

1. On the southern side of and adjoining the Taff Vale Railway and extending from a point two hundred and seventy yards or thereabouts measured in an easterly direction from the mile-post on that railway denoting twelve and three-quarter miles from Cardiff to a point thirty yards or thereabouts measured in an easterly direction from the same mile-post ;

In the Parishes of Llantwit Fardre and Llanwonno.

2. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point three hundred yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting thirteen and a quarter miles from Cardiff to a point one hundred and forty yards or thereabouts measured in a south-easterly direction from the same mile-post ;

In the Parish of Llanwonno.

3. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point two hundred yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting fourteen and a half miles from Cardiff to a point fifty yards or thereabouts measured in a north-westerly direction from the mile-post on that branch railway denoting fourteen and three-quarter miles from Cardiff ;
4. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point one

hundred and forty-five yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting sixteen and a quarter miles from Cardiff to the same mile-post;

5. On the western side of and adjoining the Company's Rhondda Fach Branch Railway and extending from a point two hundred and twenty yards or thereabouts measured in a southerly direction from the mile-post on that railway denoting eighteen and three-quarter miles from Cardiff to a point one hundred and thirty-five yards or thereabouts measured in a southerly direction from the same mile-post;
6. On the eastern side of and adjoining the Company's Rhondda Fach Branch Railway and extending from a point forty-five yards or thereabouts measured in a southerly direction from the mile-post on that branch railway denoting twenty-one miles from Cardiff to a point one hundred and eighty yards or thereabouts measured in a northerly direction from the same mile-post;

In the Parish of Ystradyfodwg.

7. On the northern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point opposite the mile-post on that branch railway denoting seventeen miles from Cardiff to a point one hundred and seventy yards or thereabouts measured in a north-westerly direction from the same mile-post;
8. On the northern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point ninety yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting seventeen and a quarter miles from Cardiff to the same mile-post;
9. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point one hundred and fifty yards or thereabouts measured in a north-westerly direction from the mile-post on that branch railway denoting eighteen and a quarter miles from Cardiff to a point seventy-five yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting eighteen and a half miles from Cardiff;
10. On the northern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point two hundred and seventy yards or thereabouts measured in a south-easterly direction from the mile-post on that branch

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railway denoting eighteen and three-quarter miles from Cardiff to the same mile-post;

11. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point sixty-five yards or thereabouts measured in a north-westerly direction from the mile-post on that branch railway denoting nineteen and a half miles from Cardiff to a point two hundred yards or thereabouts measured in the same direction from the mile-post on that branch railway denoting nineteen and three-quarter miles from Cardiff;
12. On the southern side of and adjoining the Company's Rhondda Fawr Branch Railway and extending from a point one hundred and sixty yards or thereabouts measured in a south-easterly direction from the mile-post on that branch railway denoting twenty and a half miles from Cardiff to a point one hundred and thirty yards or thereabouts measured in a north-westerly direction from the same mile-post.

For the protection of the Barry Dock and Railways Company.

15. Notwithstanding anything contained in this Act or shown on the deposited plans the following provisions shall (unless otherwise agreed) have effect for the protection of the Barry Dock and Railways Company in this section called the Barry Company :

1. The Company shall not purchase or take otherwise than by agreement any of the land in the parish of Llanwonno which the Barry Company are by the Barry Dock and Railways Act 1884 empowered to take for the purposes of their railway authorised by that Act but the Company may purchase and the Barry Company shall sell an easement or right of constructing on the said land an additional line of rails on the western side of and adjoining the existing railway of the Company :
2. The amount to be paid by the Barry Company to the Company in respect of the easement or right of making the junction authorised by the Barry Dock and Railways Act 1884 and the amount to be paid by the Company to the Barry Company in respect of the easement or right of constructing the said additional line of rails shall failing agreement be determined by an arbitrator to be appointed by the Board of Trade on the application of either Company :
3. If by reason of the construction of such additional line of rails before the completion of the junction between the Railway No. 1 authorised by the Barry Dock and Railways Act 1884 and the railway of the Company the costs of and incidental to the formation of such junction, including the signalling and other arrangements thereat shall be increased such

increased cost shall be paid to the Barry Company by the Company :

4. If by reason of the construction of the said additional line after the construction of the said junction any alteration or rearrangement of such junction become necessary such alteration or rearrangement shall be made by the Barry Company and the Company shall pay to the Barry Company the cost of and incidental thereto :
5. The Barry Company shall be at liberty at any time to form a junction with the said additional line of rails and it shall be referred to an arbitrator to be appointed as hereinbefore provided to determine by whom or in what proportions the cost of such last-mentioned junction shall be paid :
6. Any difference which may arise between the Company and the Barry Company under the provisions of this section as to the amount of any payment to be made by the Company to the Barry Company in respect of any increased cost of forming such junction or with respect to the necessity or otherwise of any alteration or rearrangement of such junction by reason of the construction of the said additional line shall be referred to and determined by an arbitrator appointed as hereinbefore provided.

16. 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 persons interested in the houses or other buildings or manufactories described in the Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

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

17. (1.) The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary

Restriction on displacing persons

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 of labouring
 class.

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 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 Queen's Bench Division 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 : A.D. 1885.

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

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

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

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

(8.) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any Railway Company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section :

(9.) The Local Government Board may direct any inquiries to be held 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

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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.) 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.

Extinguishment of rights of way.

18. All rights of way over any of the lands which shall under the compulsory provisions of this Act be purchased or acquired shall be and the same are as from the purchase or acquisition thereof respectively by this Act extinguished.

Power to owners to grant easements.

19. 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 lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Extension of time for taking lands for and for completing the railway authorised by the Taff Vale Railway Act 1883.

21. The time limited by the Taff Vale Railway Act 1883 for taking lands by compulsion for the purposes of the railway thereby authorised is hereby extended to the second day of August one thousand eight hundred and eighty-seven and the time limited by the same Act for the completion of the said railway is hereby extended until the second day of August one thousand eight hundred and eighty-eight and section 8 of the said Act shall be read and

construed as if the period by this Act limited for the construction and completion of the said railway had been the period limited by that Act.

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

22. For the better prevention of danger to persons carried on the railways of the Company it shall be lawful for the Company from time to time subject to the provisions of the Railway Regulation Act 1840 and the Railways Clauses Consolidation Act 1845 and to approval by the Board of Trade as provided by those Acts to make byelaws for the following purposes (that is to say) :

Power to make bye-laws as to traction engines &c. crossing Company's railways.

(1.) For regulating the times at which and conditions under which locomotive or traction or other engines or machines or other vehicles or traffic of an unusually heavy or dangerous description may be taken or pass across any railways of the Company at level crossings (not being public highway level crossings) or over bridges and for prescribing the notice to be given to the Company of the times of such intended passage and for imposing penalties for breach of such byelaws or conditions :

(2.) For restricting and limiting the weight of such engines machines and vehicles and the number thereof which may be taken across or over such level crossing or bridge at the same time :

(3.) For imposing penalties on persons acting in contravention of section 6 of the Locomotive Act 1861 (or any enactment substituted for the same) in the case of any bridge over the railways of the Company which the Company are liable to repair.

23. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 from time to time raise for the purposes of this Act and for the general purposes of their undertaking being in every case purposes to which capital is properly applicable any additional capital not exceeding in the whole the sum of three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively.

Power to Company to raise additional capital.

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

Shares not to be issued until one-fifth part thereof shall have been paid up.

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Calls.

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

Power to borrow.

26. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole one hundred thousand pounds but no part of the said sum of one hundred thousand pounds shall be borrowed until shares for so much of the additional capital by this Act authorised as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of the said capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such respective capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of such respective capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if such capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same 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.

27. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to

authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole. A.D. 1885.
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28. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act. But nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company. Priority of existing mortgages.

29. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863. But notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

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

31. The Company may apply to the purposes of this Act or to the general purposes of their undertaking to which capital is properly applicable any of the moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to them and which may not be required for the purposes to which they are by any such Act made specially applicable. Power to apply corporate funds to purposes of Act.

32. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. Saving rights of the Crown in the fore-shore.

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Saving
rights of
Crown under
Crown Lands
Act, 1866.

33. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Interest not
to be paid
on calls
paid up.

34. 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.

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

Provision as
to general
Railway
Acts.

36. Nothing in this Act contained shall exempt the Company or their 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 to be taken by the Company.

Costs of
Act.

37. 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.

SCHEDULE referred to in the foregoing Act.

Describing Lands Buildings and Manufactories whereof portions
only are required to be taken by the Company.

Number on deposited Plan.	Description of Property.
RAILWAY No. 1.	
<i>Parish of Roath.</i>	
26. 94a. 95.	Garden rough ground and stream. Accommodation road. Garden.
ADDITIONAL LANDS.	
<i>Parish of Llanwonno.</i>	
7. 28.	Colliery yard and siding. Farmers Arms Hotel yard and outbuildings.
<i>Parish of Ystradyfodwg.</i>	
4. 5. 6. 8. 29.	Rough pasture streams colliery siding culvert. Rough ground garden. Colliery yard tip sidings. Colliery tip and waste land. Colliery siding.

