



CHAPTER cv.

An Act to extend the time limited for the compulsory purchase of lands for and the completion of certain Railways and to revive the powers for the construction of other Railways to confer further powers upon the Rhondda and Swansea Bay Railway Company and for other purposes. A.D. 1888.
[24th July 1888.]

WHEREAS by the Rhondda and Swansea Bay Railway Act 1882 (in this Act called "the Act of 1882") the Rhondda and Swansea Bay Railway Company (in this Act called "the Company") were incorporated and empowered to make the railways and other works therein described in the county of Glamorgan :

And whereas by the Rhondda and Swansea Bay (Swansea Extension) Railway Act 1883 (hereinafter called "the Act of 1883") the Company were empowered to construct further railways and exercise other powers :

And whereas by the Rhondda and Swansea Bay Railway Act 1886 (hereinafter called "the Act of 1886") the Company were authorised to deviate the Railway No. 1 authorised by the Act of 1882 and to abandon a portion thereof and of the railways authorised by the Act of 1883 and to construct other railways and to exercise other powers :

And whereas portions of the railway authorised by the Act of 1882 have been constructed and opened for public traffic and the Company have purchased the greater part of the land required for the completion of the remaining portions thereof and have made considerable progress in the construction thereof but have been unable to complete the same within the time limited in that behalf by the Act of 1882 being five years from the passing of that Act and it is expedient that the powers of the Company with respect to such uncompleted portions of railway should be revived :

A.D. 1888.

— And whereas by the Act of 1883 the periods for the compulsory purchase of lands for and for the completion of the railways thereby authorised were respectively limited to three years and five years from the date of the passing of that Act but the Company will be unable to complete the same within the time limited as aforesaid in that behalf and it is expedient that the powers of the Company for the compulsory purchase of lands for and for the completion of the uncompleted portion of the said railways should be extended :

And whereas it is expedient that the Company should be authorised to construct the new railway, and works hereinafter described and that the other powers hereinafter contained should be conferred upon the Company :

And whereas the sum of twenty-three thousand three hundred and eighty-six pounds sixteen shillings being equal to five per centum upon the amount of the estimate of the railways authorised by the Act of 1882 was deposited with the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for that Act and of that sum four thousand nine hundred and two pounds eleven shillings invested in Consols still remains in Court and represents five per centum on the estimate of expense of the uncompleted portions of the railways authorised by the Act of 1882 (which latter sum is hereinafter referred to as "the impounded deposit fund") :

And whereas by section 48 of the Act of 1882 it was provided that if the Company did not previously to the expiration of the period by that Act limited for the completion of the railways thereby authorised complete and open the same for the public conveyance of passengers then the sum deposited as aforesaid in respect of the application to Parliament for that Act or so much thereof as should not have been repaid to the depositors should in the first instance be applicable towards compensating landowners and other persons whose property had been interfered with or injuriously affected and for which interference or injury no compensation or inadequate compensation should have been paid and that any surplus remaining over after the satisfaction of the claims of such landowners or other persons should be forfeited to Her Majesty or if the Company were insolvent should be applied for the benefit of the creditors of the Company :

And whereas owing to the non-completion of portions of the railways authorised by the Act of 1882 as hereinbefore recited the impounded deposit fund has become forfeited in accordance with

the provisions of that section but having regard to the circumstances under which such forfeiture occurred it is expedient that the same should not be enforced and that such deposit fund should remain as a security for the completion of the aforesaid portions of railway as hereinafter provided: A.D. 1888.

And whereas plans and sections showing the lines and levels of the portions of railway the powers to construct which are by this Act revived and of the railway and works authorised by this Act and also 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:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Rhondda and Swansea Bay Short title.
Railway Act 1888.

2. The clauses and provisions of the Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) Part II. (extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of Acts.

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 and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. Interpretation.

A.D. 1888.

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Powers of
Act of 1882
revived and
contracts &c.
extended.

4. All the rights powers and authorities conferred upon the Company by the Act of 1882 for the construction and completion of the portions of the Railway No. 1 authorised by that Act hereinafter described and the levying of tolls rates and charges thereon the compulsory purchase of such of the lands shown on the deposited plans and described in the deposited books of reference as the Company require to take or use for the purposes thereof and all other powers in respect of those portions of railway shall be and the same are hereby revived and all contracts obligations and liabilities contracted or incurred by or imposed upon the Company in the exercise of the powers by that Act conferred upon them with respect to such portions of railways shall (unless inconsistent with the provisions of this Act) be and the same are hereby continued and made applicable to the Company:

Power as to
construction.

5. The portions of railway above referred to and which the Company may under the Act of 1882 as amended by this Act make or complete and maintain shall notwithstanding anything shown upon the plans and sections referred to in the Act of 1882 (hereinafter called "the plans and sections of 1882") be made completed and maintained by the Company in accordance with the deposited plans and sections as if those plans had been referred to in the Act of 1882 in reference to such portions of railway in lieu of the plans and sections of 1882 and are:—

(a) So much of the said Railway No. 1 authorised by the Act of 1882 as will lie between its authorised point of commencement as shown on the plans of 1882 and the point shown on the deposited plans referred to in the Act of 1886 (hereinafter called "the plans of 1886") as the point of termination of the deviation Railway No. 2 by that Act authorised.

(b) So much of the said Railway No. 1 as will lie between the point of commencement of the aforesaid deviation Railway No. 2 as shown on the plans of 1886 and the point of termination as shown on those plans of the deviation Railway No. 1 authorised by the Act of 1886.

Power to
make new
railway and
works.

6. 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 railway and works hereinafter described with all proper stations sidings buildings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway and works hereinbefore referred to

and authorised by this Act will be situate in the county of Glamorgan and are as follows :— A.D. 1888.

A railway five furlongs and three chains or thereabouts in length wholly situate in the parish of Ystradyfodwg commencing by a junction with the railway of the Company at or near the point shown on the plans of 1882 as denoting the distance of one mile from the commencement of the Railway No. 1 authorised by that Act and terminating by a junction with the Blaenrhondda Branch Railway of the Taff Vale Railway Company.

A diversion (twenty feet in width) wholly in the parish of Ystradyfodwg aforesaid of the public road leading from Treherbert to Blaenycwm commencing at a point two chains or thereabouts measured in an easterly direction along the said road from the level crossing thereover of the said Blaenrhondda branch of the Taff Vale Railway and terminating at a point on the said road nine chains or thereabouts measured in a south-easterly direction along the said road from the point of commencement above described of such diversion.

A diversion wholly in the parish of Llangynwyd of the public road numbered twenty-seven in that parish on the plans of 1886 such diversion to commence at a point one chain or thereabouts measured in a southerly direction along the said road from the centre of the bridge carrying the same over the Llynvi and Ogmore Railway of the Great Western Railway Company to the east of the Cymmer Station and to terminate at a point in the public road numbered on those plans thirty-seven in the said parish of Llangynwyd two and a half chains or thereabouts measured in a southerly direction along that road from the centre of the bridge carrying the same over the said Llynvi and Ogmore Railway near Cymmer and such diversion shall be of the same width throughout as the last named public road at the point of junction therewith of such diversion and the gradient at the western end of such diversion shall not in the direction of Maesteg be steeper than one in fifteen and in the direction of Cymmer one in ten.

7. When and so soon as in each case any diversion of road by this Act authorised is made and completed to the satisfaction of two justices and is open for public use the Company may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the respective diversion and when and so soon as any such portion of road is so stopped up all rights

The Company may stop up dis-used portions of roads.

A.D. 1888. — of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the roads stopped up as far as the same is bounded on both sides by lands of the Company.

Power to
take ease-
ments &c.
by agree-
ment.

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

Owners may
be required
to sell parts
only of
certain
houses &c.

9. And whereas portions only of certain of the houses buildings manufactories and premises shown on the deposited plans may be sufficient for the purposes for which the same are respectively required by the Company and it may happen that such portions can 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 buildings manufactories and premises described in the second schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbitrators or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Period for
compulsory
purchase of
lands.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised in respect of the lands required for the purposes of the portions of railway authorised by the Act of 1882 and powers as to which are by this Act revived after the expiration of one year and in respect of other lands after the expiration of three years from the passing of this Act.

11. The Company may make the arch of the bridge for carrying the portion (a) hereinbefore described of Railway No. 1 authorised by the Act of 1882 over the road numbered on the deposited plans 55 in the parish of Ystradyfodwg of any span not less than twenty feet. A.D. 1888.
Span of
bridge.

12. The Company shall construct a bridge for carrying the road-way numbered on the deposited plans two in the parish of Gyncorrgwg over the portion (b) hereinbefore described of the Railway No. 1 authorised by the Act of 1882 and such bridge shall be of not less width between the fences thereof than twelve feet. Company to
construct
bridge.

13. The powers of the Company under the Act of 1883 for the compulsory purchase and taking for the purposes of the railways and works by that Act authorised of the lands mentioned in the first schedule to this Act annexed are hereby revived and extended and may be exercised at any time within but shall not be exercised after the expiration of one year from the passing of this Act. Extending
period
limited by
Act of 1883
for com-
pulsory pur-
chase of
lands.

14. The period limited by the Act of 1883 for the completion of the portion of the railways and works authorised by that Act which is not by the Act of 1886 authorised to be abandoned is hereby extended to three years from the passing of this Act and that period shall for all purposes be deemed to be the period originally limited for the completion of the said railways and if the same be not then completed then at the expiration of that period the powers 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 shall then be completed. Extending
period for
completion
of some part
of railways
authorised
by the Act
of 1883.

15. Subject to the provisions of this Act the Company may for all or any of the purposes of their undertaking enter upon take and use the lands hereinafter mentioned and respectively shown upon the deposited plans and described in the deposited books of reference or some of them or some part or parts thereof respectively that is to say:— Additional
lands.

(a) Certain lands in the said parish of Ystradyfodwg lying between the Rhondda Fawr Branch Railway of the Taff Vale Railway Company and the main public road leading from Pontypridd to Treherbert and Blaenycwm and immediately to the westward of the railway which connects the Rhondda Merthyr Colliery with the said branch railway; and

(b) Certain lands in the said parish of Llangynwyd adjoining and on the north side of the existing railway of the Company.

A.D. 1888.

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Restriction
on displacing
persons of
the labouring
class.

16. The Company shall not under the powers of this Act or of the Acts of 1882 or 1883 as revived or as amended by this Act without the consent of the Local Government Board 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 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.

The expression "labouring class" in this section includes mechanics artizans 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.

For the pro-
tection of the
Taff Vale
Railway
Company.

17. For the protection of the Taff Vale Railway Company (in this section referred to as "the Taff Vale Company") the Company shall in constructing the junction of the railway by this Act authorised with the Blaenrhondda Branch of the Taff Vale Company unless otherwise agreed between the Company and the Taff Vale Company observe and conform to the following provisions (that is to say):—

1. The junction of the railway by this Act authorised with the Blaenrhondda Branch of the Taff Vale Railway shall be effected at such point within the limits of deviation shown on the deposited plans as the Taff Vale Company may reasonably require;
2. The Company shall at all times maintain the junction and other works hereinbefore provided for in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the Taff Vale Company and if and whenever the Company fail so to do the Taff Vale Company may make and do in and upon as well the lands and works of the Company as on their own lands and works all such things as may be requisite in that behalf and the reasonable amount of such their expenditure shall be repaid to them by the Company and in case of any difference between the Company and the Taff Vale Company under this sub-section the same shall be determined by an engineer to be appointed on the application of either party by the Board of Trade;

3. Nothing in this Act contained shall extend to or be deemed or construed to extend to authorise or enable the Company to take enter upon or use either temporarily or permanently for the purposes of the said junction any of the lands of the Taff Vale Company or to alter vary or interfere with the railway or with any of the works of that Company further or otherwise than is necessary for the construction and user of the said junction therewith without the consent in writing in every instance for that purpose first had and obtained of the Taff Vale Company under their common seal and with respect to any lands of the Taff Vale Company which the Company are by this Act authorised to use enter upon or interfere with for the purposes of such junction the Company shall not purchase and take the same but the Company may purchase and take and the Taff Vale Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes of the said junction and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment ;
4. The Company shall pay to the Taff Vale Company by way of purchase or compensation for the rights and easements to be acquired for the purpose of constructing the said junction and works connected therewith such an amount as may be agreed upon or in case of difference as may be determined by arbitration under the Lands Clauses Consolidation Act 1845 and the Acts amending the same relating to the purchase of lands otherwise than by agreement ;
5. If at any time after the completion of the said junction the Taff Vale Company shall find it necessary to alter the same it shall be lawful for them on giving three months' notice in writing to the Company of their intention so to do at their own expense to alter or remove the said junction and substitute a new junction therefor but so as such altered or substituted junction shall be as convenient as the junction so altered or for which such new junction is substituted as the case may be and shall not cause any stoppage to or unnecessary interference with the traffic of the said railway or cause increased expense in the working or maintenance of the junction or the signals works and conveniences connected therewith.

A.D. 1888.

A.D. 1888.

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Release of
impounded
deposit fund.

18. Notwithstanding anything in the Act of 1882 the impounded deposit fund shall not be forfeited as provided by that Act but shall remain as a security for the completion of the portions of the railway authorised by the Act of 1882 powers to construct which are by this Act revived in accordance with and subject to the provisions of sections 47 and 48 of that Act as if the same had never been liable to forfeiture And the provisions of the said section 47 of the Act of 1882 as to the payment or transfer of the deposit fund therein mentioned or of a proportionate part or parts thereof upon the railway authorised by the Act of 1882 or any part or parts thereof being completed and open for the public conveyance of passengers and all other provisions of the said section and of section 48 of the same Act shall be applicable in all respects to the impounded deposit fund and to the aforesaid portions of railway Provided always that for the purposes of the said sections 47 and 48 the period limited for the completion of the railways shall be deemed to be the period of three years from the passing of this Act but nothing in this section shall prejudice or alter any right of any owner or occupier of lands or other person injuriously affected or any creditor to or over the impounded deposit fund.

Penalty
imposed
unless the
line is
opened
within the
time limited.

19. If the Company fail within the period limited by this Act to complete the new 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 such railway is completed and opened for the conveyance of goods traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost thereof and 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 section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England 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 Provided that the want of

sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1888.

20. 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 new railway authorised by this Act or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes thereof conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the 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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Application of penalty.

21. If the railways by this Act authorised or powers to construct which are by this Act revived are not completed as regards the new railway within five years and as regards such revived railways within three years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted to the Company for making and completing the same respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed. Period for completion of works.

22. For the purposes of tolls rates and charges and duties and for all other purposes whatsoever the new railway by this Act authorised shall be deemed to be part of the railways of the Company authorised by the Act of 1882. Tolls &c. on new railway.

A.D. 1888. **23.** The Company may apply for any of the purposes of this Act
—
Power to to which capital is properly applicable any moneys which they are
apply funds. authorised to raise by shares or stock debenture stock or borrowing
and which are not made applicable to any special purposes or which
being so made applicable are not required for such special purposes.

Provision as **24.** Nothing in this Act contained shall exempt the Company or
to general the Taff Vale Railway Company or the railways of either of those
railway Acts. Companies from the provisions of any general Act relating to rail-
ways 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
the Acts of the respective Companies.

Costs of Act. **25.** All costs charges and expenses of and incident to the prepar-
ing for obtaining and passing of this Act or otherwise in relation
thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act. A.D. 1888.

THE FIRST SCHEDULE.

Lands shown on plans and specified in Book of Reference deposited in respect of the Act of 1883.

| Parish. | Nos. on Deposited Plan of 1883. |
|------------------------------|---|
| Llansamlet - - | 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25. |
| Swansea - - | 1, 2, 3, 4, 5, 5A, 6, 8, 9, 10, 11, 12, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52. |

THE SECOND SCHEDULE.

Describing houses buildings manufactories and premises of which portions only may be taken.

| Work. | Parish or Place. | Number on Deposited Plans. |
|---|-------------------|--|
| Portion (a) described in the foregoing Act of Railway No. 1 authorised by Act of 1882 | Ystradyfodwg - | 48, 49, 65, 63, 64, 66. |
| Additional lands - - | Ystradyfodwg - | 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 42, 42a. |

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