

**CHAPTER cxl.**

An Act to empower the Taff Vale Railway Company to
construct new Railways and for other purposes.

A.D. 1890.

[25th July 1890.]

WHEREAS it is expedient that the Taff Vale Railway Company (in this Act called "the Company") should be empowered to make the new railways in this Act mentioned or referred to :

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 herein-after respectively referred to as the deposited plans sections and book of reference :

And whereas by the Taff Vale Railway Act 1889 the undertaking authorised by the Cardiff Penarth and Cadoxton-juxta-Barry Junction Railway Act 1885 (in this Act referred to as "the Cardiff Act of 1885") was amalgamated with the undertaking of the Company and it is expedient that the Railway No. 4 authorised by the Cardiff Act of 1885 should be abandoned and that provision should be made as contained in this Act for the release and payment out of court of the sum of three hundred and seventy-nine pounds six shillings and sevenpence Two and three-quarters per centum Consolidated Stock representing the balance now remaining in court of the sum deposited in respect of the application for the said Act :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

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

A.D. 1890. — the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. 1. This Act may be cited for all purposes as the Taff Vale Railway Act 1890.

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 Acts :

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 nonpayment 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 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. 1890.

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 herein-after described with all proper stations sidings bridges 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 make railways.

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

(1) A Railway No. 1 (on the deposited plans and sections referred to as Railway No. 4) six furlongs seven chains and thirteen links in length wholly in the parish of Eglwysilan commencing by a junction with the Pont Shon Norton branch of the Taff Vale Railway and terminating in the field numbered 423 on the twenty-five inch Ordnance map :

(2) A Railway No. 2 (on the deposited plans and sections referred to as Railway No. 6) one furlong six chains and thirty-five links in length wholly in the parish of St. Mary the Virgin Cardiff commencing by a junction with the Taff Vale Railway and terminating by a junction with the Great Western Railway :

Provided always that the Company shall not except by agreement enter upon take or use any lands belonging to Richard Basset required for the purposes of the Railway No. 1 by this Act authorised and the provisions of the Lands Clauses Acts enabling persons under disability to sell and convey lands shall apply to any purchase and sale of any of such lands.

5. With respect to tolls rates and charges and for all other purposes whatsoever 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 for the time being authorised to be taken on the Company's railway. Tolls &c.

6. The following provisions shall have effect for the protection of the Company of Proprietors of the Glamorganshire Canal Navigation (herein-after referred to as "the Canal Company") unless otherwise agreed between the Canal Company and the Company :— For the protection of the Company of Proprietors of the Glamorganshire Canal Navigation.

(1) The Railway No 1 by this Act authorised and the works connected therewith shall not when completed interfere with the

A.D. 1890.
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waterway locks or towing-path of the canal of the Canal Company except by the bridge carrying the said railway across the canal and towing-path and such bridge shall be constructed and maintained with a clear width of forty feet measured at right angles to the water edge of the towing-path and a clear height of ten feet six inches from the present level of the water to the under side of the girder and the abutments of the bridge shall be built parallel with the centre line of the canal and proper retaining walls shall be built and maintained by the Company for supporting the towing-path beneath such bridge and such bridge shall be so constructed as to leave a towing-path of not less than ten feet in width measured from the present water edge of the towing-path (which edge shall remain unaltered) and a waterway of not less than thirty feet in width :

- (2) For the purpose of the said railway and works neither the waterway nor locks of the canal nor any land within ten feet of either side of the present waterway shall be taken nor shall the same be interfered with except so far as may be necessary for carrying the said bridge over the same (for which purpose an easement shall be acquired) and neither during the construction of the said bridge nor at any other time shall the free passage of traffic along the canal or towing-path be impeded except so far as the Canal Company may voluntarily consent thereto and the Company shall construct and for ever maintain to the reasonable satisfaction of the engineer for the time being of the Canal Company all such retaining walls and other works as may be necessary for the protection of the property of the Canal Company :
- (3) All existing tramways and communications between the canal and any collieries mines works quarries or clay pits which shall be severed from the canal by the said railway shall be kept open by means of road diversions or bridges over or under such tramways and communications to be constructed and for ever after maintained by and at the expense of the Company to the reasonable satisfaction of the engineer of the Canal Company and all such bridges shall be girder bridges of not less than twelve feet span and eight feet height where such height can be given without altering the level of the railway :
- (4) In case the Canal Company or the proprietor or proprietors of any collieries mines works or quarries or other person or persons having a right under the Canal Company's Acts to make railways or roads for bringing goods to or from the canal shall at any time hereafter desire to make any such railway or road under the said railway it shall be lawful for them or him so to

do and any such railway or road to be constructed under the said railway may be carried thereunder by means of a bridge having a span not exceeding twelve feet and all bridges and works on the property of the Company shall be constructed and maintained to the reasonable satisfaction of the Company's engineer :

A.D. 1890.

(5) No streams brooks or rivulets the water of which flows directly or indirectly into the canal and no watercourses pipes and appliances for bringing the water of such streams brooks and rivulets to the canal shall be obstructed by the Company during or after the construction of the works hereby authorised so that the same may continue to supply the canal with water as effectually as they now do and no existing sluices outlets watercourses pipes and appliances for discharging water from the canal shall be obstructed by the Company and all culverts watercourses and other works necessary for effecting the purposes of this enactment shall be made and for ever maintained by the Company to the reasonable satisfaction of the Canal Company's engineer :

(6) Where any public or private roads or bridges at present maintained by the Canal Company shall be taken diverted or interfered with for any of the purposes of this Act the same shall be restored and rebuilt to the reasonable satisfaction of the engineer of the Canal Company and if any bridge carrying a road across the canal shall be rebuilt or altered the same shall when rebuilt or altered be of a height and span at least equal to their present height and span :

(7) The Company shall be responsible in damages to the Canal Company for any injury to their canal or works which may happen whether by accident or otherwise by reason of the construction of the said railway or works.

7. The junction of Railway No. 2 by this Act authorised with the Great Western Railway shall be formed only by a junction at such place within the limits of deviation and in such manner and with such points crossings signals and conveniences as the Great Western Railway Company may reasonably require.

As to junction of Railway No. 2 with Great Western Railway.

8. Notwithstanding anything in this Act contained it shall not be lawful for the Company nor any person acting under or in execution of this Act to enter upon occupy or use either permanently or temporarily any of the lands works or property of the Great Western Railway Company or in any manner to alter vary or interfere with the railway of that company or the works of or connected

Not to take lands or interfere with railway of Great Western Company

A.D. 1890.
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except for
the purpose
of junctions.

therewith without the consent of the Great Western Railway Company under their common seal save only for the purpose of effecting the junction of Railway No. 2 by this Act authorised with the railway of the Great Western Railway Company and the Great Western Railway Company may at any time or times hereafter should it be necessary for them to do so at their own expense alter or remove such junction and substitute a new junction therefor but so as such alteration or removal or substituted junction shall not stop the traffic of the railway by this Act authorised or unnecessarily interfere therewith or cause increased expense to the Company in the working or maintenance of the junction or the substituted junction as the case may be or the signals works and conveniences connected therewith.

For the pro-
tection of
Thomas
Weaver.

9. For the protection of Thomas Weaver or other the lessee or lessees for the time being (all of whom are in this section included in the word "lessee") of the house and premises situate in Herbert Street Cardiff and known as the Hastings Hotel (herein-after referred to as "the said premises") the following provisions shall have effect (that is to say):—

The Company shall pay compensation to the lessee for any damages or injury or loss of amenity caused to the said premises by the construction use or working of Railway No. 2 by this Act authorised and in default of agreement between the Company and the lessee as to the amount of such compensation the same shall be left to the arbitration or determination of Alderman David Jones of Cardiff surveyor and builder or failing him to some person to be appointed on the application of either party by the mayor of Cardiff for the time being.

For the pro-
tection of the
corporation
of Cardiff.

10. The following provisions for the protection of the mayor aldermen and burgesses of the county borough of Cardiff (in this section referred to as "the corporation") shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say):—

(1) Before the Company begin the construction of Railway No. 2 by this Act authorised they shall give to the corporation twenty-eight days notice in writing of their intention to commence the same by leaving such notice with the town clerk with plans and drawings showing how it is proposed to construct the several bridges required for carrying such railway over the several streets under the jurisdiction of the corporation which the said railway will cross or interfere with:

The corporation shall on or before the expiration of the said twenty-eight days signify to the Company their approval or

disapproval of the said plans and drawings and if the corporation shall disapprove the said plans and drawings the same shall be referred to arbitration and the Company shall only proceed with the construction of the said railway in accordance with the plans and drawings as approved by the corporation or in case of difference by the arbitrator :

- (2) The bridge for carrying the said railway over Herbert Street shall be a girder bridge of a single span only with perpendicular abutments which shall not encroach in any way on the street and between the said abutments there shall be a clear width of not less than forty feet measured at right angles to the line of street The said bridge shall be so constructed as to have a clear headway throughout of not less than fifteen and a half feet above the existing surface of the street with the level of which the Company shall not interfere :
- (3) The bridge for carrying the said railway over Bute Street and the eastern end of Crichton Street shall be a girder bridge with a clear span throughout of not less than fifty feet measured at right angles from the present front line of buildings on the eastern side of Bute Street and a clear headway throughout of not less than sixteen feet above the existing surface of the street with the level of which the Company shall not interfere In the construction of the said bridge the width of Crichton Street shall not be reduced :
- (4) In case the Company in the execution of the works by this Act authorised shall interfere with the public urinal in John Street the Company shall provide and maintain a new urinal in lieu thereof in such position as shall be appointed by the corporation and to their reasonable satisfaction :
- (5) The bridge for carrying the said railway over Hope Street shall be a girder bridge with a clear span throughout of not less than forty feet measured at right angles to the centre line of the street and a clear headway of not less than fifteen feet above the existing surface of the street with the level of which the Company shall not interfere :
- (6) The Company shall at their own expense and with all reasonable despatch after the commencement of the construction of the railway proceed to acquire the necessary land under the powers of this Act and to widen Hope Street to a clear width throughout of forty feet from the point where the said street will be crossed by the Great Western Railway to the intersection of the said street with Crichton Street The widened portion of the said street shall be paved flagged and channelled by the Company to the reasonable satisfaction of the corporation

A.D. 1890.
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by whom the same shall afterwards be maintained as one of the highways of the said borough :

- (7) The whole of the said Railway No. 2 shall unless the corporation shall otherwise consent be constructed in the form of a viaduct or with vertical retaining walls on either side for the entire length throughout except where bridges are necessary :
- (8) The Company shall at their own expense construct a bridge under the said railway between the points where the same crosses over Herbert Street and Bute Street in order to provide better means of future communication between Herbert Street and School Street The situation span and headway of the said bridge shall be arranged between the corporation and the Company or in the event of their failing to agree shall be determined by the arbitrator herein-after referred to The structure of the said bridge shall at all times be repaired and maintained by the Company and the roadway and footways thereunder by the corporation as one of the highways of the said borough If the construction of the said bridge shall involve the Company in greater cost than they would incur in carrying the said railway by means of a continuous line of arches the corporation shall pay to the Company the extra cost which shall be ascertained in case of difference by arbitration as hereafter provided :
- (9) The Company shall execute and at all times maintain at their own expense and to the satisfaction of the corporation such works as may be required by the corporation and may be reasonably necessary for strengthening and securing from damage such portion of the sewer in Crichton Place as will be crossed or interfered with by the Company in the execution of the works by this Act authorised and the Company shall be responsible for any damage caused to the said sewer by subsidence or otherwise through their operations :
- (10) If within two years from the passing of this Act the corporation by notice in writing under the hand of the town clerk shall require the Company so to do and shall undertake under their common seal to pay to the Company the cost properly incurred by the Company in so doing the Company shall forthwith upon the receipt of such notice proceed with all reasonable despatch to take down the bridge now carrying their main line of railway over Herbert Street and to construct in its place a new iron girder bridge in such manner as may be agreed between the corporation and the Company or failing agreement as may be determined by the arbitrator herein-after mentioned and the Company shall complete the reconstruction of the said bridge

within two years from the receipt of the said notice from the corporation : A.D. 1890.

- (11) If within two years from the passing of this Act the corporation by notice in writing under the hand of the town clerk shall require the Company so to do and shall undertake under their common seal to pay to the Company the cost properly incurred by the Company in so doing the Company shall forthwith upon the receipt of such notice proceed with all reasonable despatch to take down the bridge now carrying the Company's East Branch Railway over Herbert Street and to construct in its place an iron girder bridge in such manner as may be agreed between the corporation and the Company or failing agreement as may be determined by the arbitrator herein-after mentioned and the Company shall complete the reconstruction of the said bridge within two years from the receipt of the said notice from the corporation :
- (12) The Company shall construct and maintain on each side of every bridge constructed or altered under the powers of this Act over any street under the jurisdiction of the corporation substantial parapets or closed screens not less than seven feet in height above the level of the rails on such bridge and such parapets or screens shall not be used for posting bills or placards or for other advertising purposes Every such bridge shall be made and maintained by the Company so as to prevent the dripping of water therefrom or on any part of the roadway or footways thereunder and shall in all respects be kept by the Company in complete repair :
- (13) In the construction or maintenance of any of the bridges by this Act authorised over any street or road under the jurisdiction of the corporation the Company shall not without the consent of the corporation in writing under the hand of the town clerk interfere with or in any way obstruct the roadway or footways passing under such bridges or any of them or any part thereof except so far as may be reasonably necessary for executing or temporarily repairing the work and then so as not to unnecessarily interrupt or stop the traffic on such roadway or footways :
- (14) Where the surface of any street or road under the jurisdiction of the corporation is interfered with or disturbed by the Company in constructing the works or exercising the powers by this Act authorised the Company shall well and sufficiently and to the satisfaction of the corporation restore the surface of such street or road so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration :

A.D. 1890.
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(15) The flags paving stones and other materials in any street in the borough of Cardiff which shall be interfered with by the Company under the powers of this Act shall remain and be the property of the corporation and unless the Company shall desire to use them in restoring or reforming such street may be removed and used by the corporation :

(16) (A) The provisions of the Railways Clauses Consolidation Act 1845 contained in sections 18 to 23 inclusive so far as the same are applicable shall apply to the water mains and pipes of the corporation and whenever in those sections the word " company " or " society " is used the same shall for all the purposes of this Act be held to extend to and include the corporation :

(B) Whenever the mains or water pipes of the corporation shall be severed or interfered with by any of the works authorised by this Act and whenever in consequence of such works it is necessary for maintaining the supply of water to lay additional or substituted mains or water pipes such additional or substituted mains or water pipes shall previous to the severance or interference be made and laid down by the corporation at the expense of the Company :

(c) If by reason of the execution of any of the powers of this Act any increased length of mains or water pipes shall become necessary the same shall be provided and laid down by the corporation at the expense of the Company :

(D) Whenever by the appropriation or destruction of property by this Act authorised any mains or water pipes laid for the supply of such property except pipes inside such property shall be rendered unnecessary the Company shall pay to the corporation the cost of providing and laying an equivalent length of main or water pipe in the immediate vicinity thereof and the cost of the works required for the discontinuation of those mains or water pipes rendered unnecessary to such amount as shall be estimated by the waterworks engineer of the corporation and the mains and water pipes so rendered unnecessary shall be the property of the Company :

(17) 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 or dispute 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 :

(18) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any public Acts relating to water supply or other works which may exist for the protection 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.

A.D. 1890.

11. For the purpose of any contribution to be made by them under sub-section 8 of the last preceding section of this Act or towards the expense incurred in connexion with the reconstruction of the existing bridges over Herbert Street or either of them therein mentioned the mayor aldermen and burgesses of the borough of Cardiff may borrow moneys on the security of the district fund and general district rate under and in accordance with the Public Health Act 1875 or they may raise the necessary amount by the creation and issue of Cardiff Corporation Redeemable Stock under and subject to the provisions of the Cardiff Corporation Act 1884. Provided that the sums payable to the loans fund under the said Act of 1884 in respect of the moneys so raised shall be payable out of the district fund and general district rate and the moneys so borrowed or raised shall be discharged or redeemed in accordance with the Public Health Act 1875 or the said Act of 1884 as the case may be within such period not exceeding fifty years as the Local Government Board shall approve. Provided also that any agreement entered into by the said mayor aldermen and burgesses with the Commissioners of Inland Revenue for composition of stamp duty upon transfers of the said stock shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887.

Power for
Cardiff Cor-
poration to
borrow for
purposes of
last preced-
ing section.

12. The Company may divert the public highway numbered on the deposited plans of Railway No. 1 25 in the parish of Eglwysilan in the manner shown upon the deposited plans and sections and when such diversion is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by such diversion and when the said highway is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Power to
divert road
as shown on
deposited
plans.

13. The Company may in the construction of the Railway No. 2 by this Act authorised if and so far as they are or under the powers of this Act become the owners of the houses fronting on the public

Power to
stop up
Crichton
Place Cardiff.

A.D. 1890. — road known as Crichton Place in the borough of Cardiff permanently stop up such public road or such part thereof without providing any substitute therefor and all rights of way over or along the said road or such part thereof shall be and are hereby extinguished.

Land for extraordinary purposes.

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

Restrictions on displacing persons of labouring class.

15.—(1) The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place 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 provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court :

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

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

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

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

A.D. 1890.

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

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

(9) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875:

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

(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.

Power to
owners to
grant ease-
ments.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in 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.

A.D. 1890.

17. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

18. 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 as regards Railway No. 1 for public traffic and as regards Railway No. 2 for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway in respect of which the penalty has been incurred. 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 the Treasury and in the same manner as the penalty provided in section three 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 that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after 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 uncompleted railway or railways 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:

Imposing penalty unless railways opened.

Provided also that no penalty shall accrue in respect of Railway No. 1 by this Act authorised if it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented by the want of compulsory powers from making the said railway without incurring unreasonable delay inconvenience or expense.

19. 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 uncompleted railway or railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in

Application of penalty.

A.D. 1890.

such proportions as to the High Court may seem fit and 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 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 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 the 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.

Period for
completion
of railways.

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

Abandon-
ment of
Railway
No. 4
authorised by
Cardiff Act
of 1885.

21. The powers conferred by the Cardiff Act of 1885 so far as relates to the construction of the Railway No. 4 authorised by that Act are hereby repealed and the construction of the said railway shall be abandoned.

Compensa-
tion for
damage to
land by
entry &c. for
purposes of
railway
abandoned.

22. The abandonment under the authority of this Act of the said railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company or of the Cardiff Penarth and Barry Junction Railways Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company or the Cardiff Penarth and Barry Junction Railways Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Cardiff Act of 1885.

Compensa-
tion for non-
completion
of contracts
in respect of

23. Where before the passing of this Act any contract has been entered into or notice given by the Company or the Cardiff Penarth and Barry Junction Railways Company for the purchasing of any land for the purposes of or in relation to the said railway by this

Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1890.

railway
abandoned.

24. Subject to the provisions of this Act and of section thirty-seven of the Cardiff Act of 1885 with respect to compensation to landowners or other persons injured and for the protection of creditors the High Court at any time after the passing of this Act on application by the person or persons named in the warrant or order mentioned in section thirty-six of the Cardiff Act of 1885 or the survivors or survivor of them or the executors or administrators of such survivor (herein-after referred to as "the depositors") may and shall order that the sum of three hundred and seventy-nine pounds six shillings and sevenpence Two and three-quarters per centum Consolidated Stock (being the balance now remaining in court of the funds representing the deposit fund of five thousand two hundred and seventy-seven pounds fourteen shillings and fourpence referred to in the last-mentioned section) and the interest or dividends (if any) due or to accrue due on such balance may be transferred and paid to the depositors and on such order being made the said Consolidated Stock and the interest or dividends thereon shall be transferred and paid accordingly.

Provision for
repayment
of deposit
money.

25. 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 one hundred and fifty 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 All ordinary capital issued by the Company under the powers of this Act shall rank *pari passu* with and form part of the new ordinary stock of the Company created by the Taff Vale Railway (Amalgamations and Capital) Act 1889.

Power to
raise addi-
tional capital.

26. The Company shall not issue any share created under the authority of this Act of a less nominal amount than ten pounds nor

Shares not to
be issued
until one
fifth paid.

A.D. 1890.

shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

27. 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.

Restrictions
as to votes
in respect of
preferential
shares or
stock.

28. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to
borrow.

29. The Company may in respect of the additional capital of one hundred and fifty 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 fifty thousand pounds but no part of the said sum of fifty 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 such 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 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 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 and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

30. 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. 1890.

31. 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.

Existing mortgages to have priority.

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

Debenture stock.

33. 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 and to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Application of moneys.

34. 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 stock or debenture stock or borrowing by virtue of any Acts relating to them and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to apply corporate funds to purposes of Act.

A.D. 1890.

Defining
rate of
dividend on
ordinary
stock for the
purposes of
the Trust
Investment
Act 1889.

35. And whereas by the Taff Vale Railway (Amalgamations and Capital) Act 1889 (herein-after called "the Company's Act of 1889") the then existing ordinary stock of the Company to the amount of one million six hundred and seventy-eight thousand pounds was converted into new ordinary stock to the amount of four million one hundred and ninety-five thousand pounds and the Company were empowered to create and issue a further amount of new ordinary shares or stock but such last-mentioned power has not yet been exercised And whereas by sub-section (g) of section three of the Trust Investment Act 1889 which was passed before the passing of the Company's Act of 1889 trustees are authorised to invest trust funds in the debenture or rentcharge or guaranteed or preference stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock Therefore for all purposes of the said sub-section (g) of section three of the Trust Investment Act 1889 the rate of dividend on the ordinary stock of the Company shall be ascertained as follows:—

(A) In respect of each half year after the thirtieth day of June one thousand eight hundred and eighty-nine and until any new ordinary shares or stock shall subsequently to the passing of this Act have been created by the Company under the provisions of the Company's Act of 1889 or of this or any subsequent Act the rate per centum which by section twenty-five of the Company's Act is required to be shown in the half-yearly accounts of the Company shall be deemed to have been the rate of dividend on the ordinary stock of the Company for such half year :

(B) In respect of each half year after any such new ordinary shares or stock shall subsequently to the passing of this Act have been created as aforesaid including the half year in which such creation shall take place the rate of dividend which the aggregate amount distributed by way of dividend on the ordinary shares and stock of the Company for such half year would have paid if distributed by way of uniform dividend upon an aggregate capital consisting of the said sum of one million six hundred and seventy-eight thousand pounds and the amount paid up upon any such newly created ordinary shares or stock for the time being in existence shall be deemed to have been the rate of dividend on the ordinary stock of the Company for such half year and such rate shall be shown in the half-yearly accounts of the Company in addition to the other matters required to be

stated therein This section shall apply to investments made A.D. 1890.
either before or after the passing of this Act.

36. 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.

Interest not
to be paid on
calls paid up.

37. 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.

Deposits for
future Bills
not to be paid
out of capital.

38. 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.

Provision as
to general
Railway
Acts.

39. 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.

Costs of Act.

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