



CHAPTER cxlv.

An Act to authorise the Rhondda and Swansea Bay Railway Company to construct new Railways and other works and to confer further powers upon that Company and for other purposes. A.D. 1890.
[4th August 1890.]

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 were empowered to make the railways and other works therein described in the county of Glamorgan :

And whereas by divers Acts of Parliament since passed the said Act of 1882 has been in various respects amended and further powers have been from time to time conferred upon the Company :

And whereas it is expedient that the Company be authorised to construct the railways quay and works herein-after described and to exercise the further powers by this Act conferred upon them :

And whereas the Swansea Harbour Trustees are the owners of the docks at Swansea and the said trustees and the Company have entered into an agreement for the leasing to the Company of certain quays and wharves connected with the docks and works of the said trustees and railway and other conveniences connected therewith and it is expedient that such agreement should be confirmed :

And whereas the Port Talbot Company incorporated by the 6 and 7 William IV. cap. xcvi. are the owners of the Port Talbot Dock and it is expedient that the Company and the Port Talbot Company should be authorised to enter into and carry into effect agreements as herein-after provided :

And whereas the authorised share capital of the Company amounts to four hundred and fifty thousand pounds and the Company are empowered to borrow one hundred and fifty thousand pounds :

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 Vict.]
Act, 1890.

A.D. 1890.

—

And whereas the Company have created and issued the whole of their authorised share capital and it is expedient that the Company should be authorised to raise additional capital and borrow further moneys :

And whereas plans and sections showing the lines and levels of the works authorised by this Act such plans showing also the lands which may be taken compulsorily under the powers of this Act and also books of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of this Act 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 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 :—

Short title

1. This Act may be cited as the Rhondda and Swansea Bay Railway Act 1890.

Incorporation of Acts.

2. 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 borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The making of dividends ;

The giving of notices ; and

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

And Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares additional capital and debenture stock) as amended by the Companies Clauses Act 1869 the Lands Clauses Acts the Railways Clauses Consolida-

[53 & 54 VICT.] *Rhondda and Swansea Bay Railway* [Ch. cxlv.]
Act, 1890.

tion Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 (except sections 25 26 27 and 29 49 50 and 77 to 80 both inclusive of the last-named Act) so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form part of this Act : A.D. 1890.

Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to accommodation for Custom-House officers lifeboats and keeping a tide and weather gauge shall not (except as herein-after expressly provided) be in force for the purposes of this Act :

For the purposes of the last-mentioned Act the quay or wharf by this Act authorised and any quays or wharves of the Company at the Prince of Wales Dock Swansea or at Port Talbot shall be deemed to be the harbour dock or pier and the prescribed limits shall be the said quays or wharves and the lands and property of the Company connected therewith and the quaymaster or superintendent of the quay or wharf or other person charged with the management thereof shall be the harbour-master.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall 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.

4. Subject to the provisions of this Act the Company in the lines or situations and according to the levels respectively shown on the deposited plans and sections may make and maintain the railways and quay and may make the road diversion herein-after respectively described 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 those purposes The works herein-before referred to and authorised by this Act will be situate in the county of Glamorgan and are— Power to make works.

- (a) Railway No. (1) 1 furlong and 4·85 chains or thereabouts in length commencing at the quay wall on the north side of the Prince of Wales Dock Swansea and terminating by a

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

- junction with the high level railway of the Swansea Harbour Trustees ;
- (b) Railway No. (3) 5 furlongs and 7·60 chains or thereabouts in length commencing in the parish of Aberavon on the Aberavon Burrows at a point adjacent to and on the south-eastern side of the road recently constructed from Aberavon to the sea beach and terminating in the parish of Margam by a junction with the Cwmavon Railway of the Company ;
 - (c) Railway No. (4) 4 furlongs and 8 links or thereabouts in length commencing by a junction with the railway of the Company at a point one and three-quarter chains or thereabouts measuring along that railway in a north-westerly direction from the south-eastern end of the iron viaduct at Treherbert carrying the said railway over the River Rhondda and terminating in a field numbered 276 in the parish of Ystradyfodwg on the Ordnance map (scale $\frac{1}{2500}$) ;
 - (d) Railway No. (5) 1 furlong and 7·58 chains or thereabouts in length commencing by a junction with the Railway No. 4 by this Act authorised at its termination and terminating by a junction with the Taff Vale Railway at a point 24 chains or thereabouts south-eastward of the booking office at Treherbert Station ;
 - (e) A quay or wharf wholly in the parish of Margam commencing at the New Wharf Port Talbot Dock at a point $1\frac{1}{2}$ chains or thereabouts south-westward of the cottage known as the New Bank Cottage Port Talbot and extending thence in a north-westerly direction for a distance of 17 chains or thereabouts to the north-western side of the said dock ;
 - (f) A diversion 15 feet 6 inches in width throughout wholly in the parish of Aberavon of the public road leading from Aberavon by Blackwells to Cwmavon such diversion to commence at a point 2 chains or thereabouts south-westward of the Blackwells footbridge over the Cwmavon Railway of the Company and to terminate at a point $5\frac{1}{2}$ chains or thereabouts north-eastward of the said footbridge.

Power to
make subsi-
diary works.

5. The Company may from time to time make and maintain in connexion with the above-mentioned works or any of them all necessary and convenient rails sidings junctions turntables stations approaches roads buildings yards jetties banks stages cranes lifts coal staiths tips machinery and other works and conveniences.

Limits of
deviation.

6. In constructing the quay or wharf and road diversion by this Act authorised the Company may deviate laterally from the line thereof as shown on the deposited plans relating thereto respectively

[53 & 54 Vict.] *Rhondda and Swansea Bay Railway* [Ch. cxlv.]
Act, 1890.

to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels thereof as shown on the deposited sections to any extent not exceeding five feet upwards and five feet downwards: A.D. 1890.

Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

7. In the event of the Ystradyfodwg Local Board constructing their intended sewers within the limits of deviation of Railway No. 4 or Railway No. 5 the Company shall so construct the said railways as not to injure or prevent the construction of such sewers. For protection of Ystradyfodwg Local Board.

8. The Company may with the previous consent in writing of the Port Talbot Company from time to time deepen dredge scour and cleanse the Port Talbot Dock adjoining or near to the quay or wharf by this Act authorised and for the purpose of obtaining access thereto. Power to dredge.

9. When and so soon as the road diversion by this Act authorised is made and completed to the satisfaction of two justices the Company may and shall open and dedicate the same to the public and thereupon the said road diversion shall become by virtue of this Act a public highway and shall be repairable by the authority or persons by whom the portion of road for which it is substituted is now by law repairable and 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 such diversion and when and so soon as such portion of road 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 portion of road so stopped up. Company may stop up disused portions of roads.

10. For the protection of the mayor aldermen and burgesses of the borough of Aberavon (in this section called "the corporation") the following provisions shall have effect (that is to say):— For the protection of the corporation of Aberavon.

The Company shall construct the diversion of the road at Blackwells by this Act authorised of an uniform width throughout of not less than 15 feet 6 inches with such retaining wall

A.D. 1890.

or walls of such thickness and strength as shall be necessary for the support of the said road and for the upholding of the bank on the north-west side thereof and the Company shall make provision at such points in the said retaining wall on the upper or north-west side of the said diversion for the affording of access to the property adjoining thereto.

The Company shall construct and maintain along the south-east side of the said diversion a wall of the height of not less than 5 feet above the surface of the road.

The Company shall construct such channels drains and gullies as shall be necessary to drain the said diversion as effectually as the present road is now drained and to carry off any water therefrom and shall connect the same with the drains of the existing road at the commencement and termination of the said diversion.

The Company shall at all times maintain the said retaining wall on the south-east side of the said diversion and shall annually on the first day of January repay to the Corporation any cost properly incurred by them in maintaining the said retaining wall on the north-west side of the said diversion in good and effectual repair.

The provisions of sections 18 to 23 both inclusive of the Railways Clauses Consolidation Act 1845 shall extend and apply to any gas and water mains and pipes of the corporation which will be interfered with in the construction of the said diversion and in construing those sections for the purposes of this section the expressions "the society" and "the company" shall respectively mean the corporation and "the railway" shall mean the said diversion.

The Company shall not except with the consent of the corporation enter upon take use or interfere with the public road leading from the borough to the beach known as Victoria Road and wherever the distance between the railway and the said road shall be less than twenty yards the Company shall if required by the corporation construct and maintain to the reasonable satisfaction of the corporation a close fence of sufficient height to fence off the railway from the said road so as to prevent the frightening of horses passing along the said road.

Any difference which may arise between the corporation and the Company under this section shall be determined by an arbitrator to be appointed unless otherwise agreed by the Board of Trade on the application of either party and the decision of such arbitrator shall be final and binding and the costs of such arbitration shall be in the discretion of the arbitrator.

11. For the protection of Arthur Pendarves Vivian his heirs and assigns or other the owner or owners for the time being of the estate called Aberavon Burrows (all of whom are in this section included under the expression "the owners") the following provisions shall have effect (that is to say):—

A.D. 1890.
—
For the protection of
Arthur
Pendarves
Vivian.

1. If by reason of any works constructed by the Company under this Act any erosion of the River Avon shall be caused the Company shall construct and maintain such works as shall effectually prevent such erosion.
2. The Company shall as accommodation works within the meaning of the Railways Clauses Consolidation Act 1845 construct and maintain three occupation level crossings for the use of the owners with or without carts or other vehicles over that part of Railway No. 3 which will be constructed on land acquired from the owners at such points as may be agreed on between the owners and the Company or as failing agreement shall be settled by arbitration.
3. The Company shall permit the owners to make and maintain subject to the restrictions and conditions contained in section 76 of the Railways Clauses Consolidation Act 1845 two junctions with Railway No. 3 for connecting therewith any railways or tramways constructed by the owners on their said estate.
4. The Company shall if required by the owners construct and lay down across the Railway No. 3 by this Act authorised on the level at the point thereon shown on the deposited plans two furlongs and eight chains from the commencement of the said railway a proper and sufficient pair of rails for enabling the owners to cross the said railway with railway trucks and engines and shall permit the owners to use the same for the purpose of obtaining access to the portion of their property lying on the south side of the said railway subject to such reasonable regulations with respect to such user as the Company may from time to time prescribe for prevention of danger or interference with their traffic.
5. The Company shall not acquire for the purpose of constructing Railway No. 3 a greater width of the land of the owners than 50 feet except where necessary for station purposes.
6. If any difference shall arise between the Company and the owners touching anything to be done or not to be done under this section such difference shall be determined by an engineer to be appointed unless otherwise agreed by the

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

Board of Trade on the application of either of the parties in difference and the decision of such arbitrator shall be final and binding and the costs of and incident to the settlement of such difference shall be borne as he shall direct.

Additional
lands.

12. Subject to the provisions of this Act the Company may for additional lines and sidings and for station accommodation and all or any other of the purposes of their undertaking or connected therewith enter upon hold and use the lands buildings and properties herein-after 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):—

- (a) Lands and property in the parish of Margam on the north-eastern and north-western sides of Port Talbot Dock adjoining and on the south-eastern side of the Cwmavon Railway of the Company (including a portion of the branch railway leading from the said Cwmavon Railway to the New Wharf Port Talbot);
- (b) Certain land adjoining the Cwmavon Railway of the Company and numbered 744 and 745 in the parish of Margam on the Ordnance map (scale $\frac{1}{2500}$);
- (c) Certain land adjoining the property of the Company and numbered 776 in the parish of Margam on the said Ordnance map;
- (d) Certain land and buildings in the parish of Margam adjoining and on the north-west side of the Aberavon Station of the Company;
- (e) Certain land and buildings in the parish of Margam on the north-west side of the said Cwmavon Railway and between that railway and the River Avon at or about the south-western end of the Valindre Viaduct on the said railway and also certain lands and buildings on the south-east side of the said railway adjoining and near the said viaduct;
- (f) A strip of land in the parishes of Margam and Michaelston-super-Avon adjoining the Cwmavon Railway of the Company and on the north-west side thereof and extending from Pantdu to the Express Works Cwmavon;
- (g) Certain lands and buildings in the parish of Aberavon adjoining and on the south-east side of the Cwmavon Railway extending from Valindre to the property known as the Tumble and also that property on both sides of the said railway;
- (h) Certain lands and buildings in the parishes of Margam and Michaelston-super-Avon adjoining and on the south-eastern side of the Cwmavon Railway of the Company at Tymaen.

13. Notwithstanding anything in this Act or shown on the deposited plans the Company shall not without the previous consent in writing of the Port Talbot Company construct the quay or wharf by this Act authorised at Port Talbot or without the like consent enter upon take or use the lands of that company in the parish of Margam described in subsection (a) of the last preceding section of this Act.

A.D. 1890.
Quay not to be made without consent of Port Talbot Company.

14.—(1) The Company shall not without the consent of the Local Government Board under the powers of this Act 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 unless and until the Company—

Restrictions on displacing persons of labouring class.

(A) Shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the 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) 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.

A.D. 1890.

(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 High 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 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 subsection 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 which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any 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 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) The expression "labouring class" in this section 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.

15. 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.

16. The quantity of land to be taken by the Company under the authority of this Act for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed three acres but nothing in that Act or in this Act shall exempt the Lands for extraordinary purposes.

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act 1890.

A.D. 1890. Company from any action indictment 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.

Power to
take ease-
ments &c. by
agreement.

17. 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 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 cer-
tain lands
and build-
ings.

18. And whereas portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the Company's undertaking and it may happen that such portions may be severed from the remainder of the property without any material detriment to the use and enjoyment of such property Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and persons interested in the lands and buildings mentioned in the First Schedule to this Act annexed whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury or arbitrator or other authority assessing or determining the compensation therefor be severed from the remainder of the said property 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 compelled 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.

Period for
completion
of works.

19. If the new railways by this Act authorised 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 is then completed.

Penalty im-
posed unless
the railways
are opened
within the
time limited.

20. If the Company fail within the period limited by this Act to complete the railways 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 railways are completed and opened as regards Railways Nos. 4 and 5 for public conveyance of passengers and as regards Railways Nos. 1 and 3 for goods

[53 & 54 Vict.] *Rhondda and Swansea Bay Railway* [Ch. cxlv.]
Act, 1890.

traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the respective railway not completed 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 the Treasury and in the same manner as the penalty provided in section 3 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 in the bank 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 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. 1890.

21. 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 respective railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act in connexion with the respective railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit 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 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 Application of penalty.

A.D. 1890. — 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.

Tolls on railways.

22. For the purposes of tolls rates charges and duties and for all other purposes whatsoever the railways by this Act authorised shall be deemed to be part of the railway undertaking of the Company.

Rates payable on goods at quays.

23. The Company may from time to time demand and take for all passengers animals and goods (including in that expression goods wares merchandise minerals articles and things of every description) which shall be embarked or landed shipped or unshipped received or delivered from or upon the quay or wharf by this Act authorised or from or upon any quay or wharf for the time being of the Company at the Prince of Wales' Dock at Swansea or at Port Talbot any sums not exceeding the following (that is to say):—

For each passenger wherever embarked or landed sixpence:

For animals and goods—

(A) In the case of the quay or wharf by this Act authorised or any quay or wharf for the time being of the Company at Port Talbot the rates authorised to be taken by the Port Talbot Company's Act 1865 in respect of goods brought into or landed or deposited within or delivered or shipped from the dock and works of the Port Talbot Company; and

(B) In the case of any quay or wharf for the time being of the Company at Swansea the wharfage rates authorised to be taken by the Swansea Harbour Trustees under section 42 of the Swansea Harbour Act 1874.

Power for Company to remit rates.

24. The Company if and when they think fit may remit or return the whole or any part of any rates in respect of any goods shown to their satisfaction to have been spoiled or damaged and may remit or return the whole or any part of any rates under any other circumstances which in their judgment make the remission or return reasonable and just so as the claim for the remission or return be made and substantiated to the satisfaction of the Company within such time as under the circumstances they deem reasonable Provided that every such remission or return shall be made equally to all classes of persons in respect of all vessels or goods under similar circumstances.

Power for Company to charge for services in

25. The Company from time to time may in addition to the aforesaid rates make such reasonable charges as they think fit for services rendered by them in respect of shipping unshipping landing

re-landing housing unhousing handling weighing cooping packing
cording tying marking numbering labelling lettering sorting lotting
tareing filling sewing bagging sampling piling unpiling watching
loading unloading protecting delivering and repairing goods and for
preparing and furnishing certificates of weights or contents and for
trimming coals and for any other service with respect to goods
shipped or unshipped or warehoused or deposited at the quay or
wharf by this Act authorised or any quay or wharf of the Company
at the Prince of Wales' Dock at Swansea or at Port Talbot and for
the use of any cranes tips staiths gear machinery and appliances
provided by them and the Company may render any such services
when they think proper and may provide all such gear machinery
and appliances and labour as may be necessary to effect the purposes
aforesaid.

A.D. 1890.
shipping un-
shipping &c.
goods.

26. Whenever in the opinion of the quaymaster an unnecessary or inconvenient delay shall take place in the discharging unloading or loading of any vessel alongside the quay or wharf by this Act authorised or any quay or wharf of the Company at the Prince of Wales' Dock at Swansea or at Port Talbot arising either from the inadequacy or improper conduct of the persons machinery or gear employed for that purpose or from the negligence or default of the master or any other person in charge of such vessel or of the owner or consignee of the cargo or any part of the cargo of such vessel the quaymaster may employ a sufficient number of persons to discharge unload or load or assist in the discharging unloading or loading of such vessel and the Company may recover in any court of competent jurisdiction from the owner or the consignee of the cargo as the case may be the reasonable cost thereby incurred.

If unneces-
sary delay
Company
may dis-
charge
vessels.

27. The Company may appoint license and employ meters and weighers in connexion with the quay or wharf by this Act authorised and any wharf of the Company at Port Talbot and the wharf of the Company at the Prince of Wales' Dock at Swansea and may pay such salaries and wages or remuneration to the said meters and weighers as to them shall seem proper.

Power to
appoint
weighers and
to pay
salaries and
wages.

28. The Company on the one hand and the Port Talbot Company on the other hand may but subject as regards the Company to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

Power to
enter into
arrangements
with Port
Talbot Com-
pany.

The working use management and maintenance by the Company of all or any part or parts of the docks works and undertaking

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

of the Port Talbot Company or by the Port Talbot Company of the quay or wharf by this Act authorised and any quay or wharf of the Company at Port Talbot or any part or parts thereof respectively and the regulation by the working Company of the undertaking and of traffic on or using the undertaking or portion of the undertaking as the case may be so worked;

The formation and erection and providing by the contracting Companies or either of them of wharves sidings accommodation works buildings and conveniences and the maintenance use and repair thereof;

The interchange and delivery of traffic upon or coming from or destined for the undertakings of the contracting companies or either of them;

The fixing collection payment appropriation apportionment and distribution of the tolls rates income and profits arising from the respective undertakings of the contracting companies or either of them or any part thereof;

The employment of officers and servants;

The appointment of joint committees for carrying into effect any such agreement as aforesaid:

Provided that if in pursuance of any agreement entered into under the provisions of this section the management of the whole undertaking of the Port Talbot Company shall be taken over by the Company the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the accommodation of officers of the Customs shall extend and apply to the Company in respect of such undertaking.

Confirming
agreements
between
Company
and Swansea
Harbour
Trustees.

29. The agreement dated the 12th day of March 1890 between the Swansea Harbour Trustees on the one part and the Company on the other part and which agreement is set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto and their respective successors and assigns and may and shall be carried into effect in accordance with the terms and intent thereof and the said trustees may grant and the Company may accept the lease mentioned in the said agreement upon the terms and conditions therein stated Provided always that anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding the said trustees shall not be bound to sell any lands which may be included in the said agreement or in any such lease or the reversion thereof:

Provided also that within three months from the passing of this Act the Company shall produce to the Commissioners of Inland

Revenue the lease aforesaid duly stamped And in default of pro- A.D. 1890.
duction the ad valorem stamp duty with interest thereon at the
rate of five pounds per centum per annum shall be recoverable from
the Company together with costs of suit and all costs and charges
attending the same.

30. Notwithstanding anything in the Harbours Docks and Piers Agreements
as to leasing
wharves &c.
Clauses Act 1847 or in any Act or Acts relating to the Port Talbot
Company that company on the one part and the Company on the
other part may from time to time enter into and carry into effect
contracts agreements and arrangements for and with respect to the
leasing by the Port Talbot Company to the Company of any or any
part of any dock quays wharves lands sidings and lines of railway
approaches warehouses buildings cranes coal tips staiths machinery
and other conveniences of the Port Talbot Company and the Port
Talbot Company may grant and the Company may accept any lease
or leases so agreed to be granted and accepted for such period or
periods and on such terms and conditions as may be agreed Pro-
vided always that anything in the Lands Clauses Consolidation Act
1845 to the contrary notwithstanding the Port Talbot Company
shall not be bound to sell any lands which may be included in any
such leases or the reversion thereof.

31. The railways Nos. 4 and 5 by this Act authorised and all Provisions as
to joint
ownership of
Railways 4
and 5.
works connected therewith (including the joint station herein-after
mentioned) shall be constructed by the Company but at the joint
and equal expense of the Company and the Taff Vale Railway
Company (herein-after referred to as "the Taff Vale Company") and
shall when constructed and opened for traffic be by virtue of this
Act vested in the Company and the Taff Vale Company as their
joint property in equal shares and shall be maintained at the ex-
pense of those two companies and the following provisions with
respect to the construction of the said railways and works and the
joint ownership and use thereof shall apply and have effect (that is
to say) :—

1. The said railways and works as authorised by this Act shall be
constructed by the Company under the directions and super-
intendence of the engineers of the Company and the Taff
Vale Company and in accordance with plans and sections to
be agreed upon between the said engineers and in the event
of any difference arising between such engineers the same
shall be determined by arbitration.
2. The said railways and works shall include a joint station south
of the road leading from Treherbert to the Taff Vale
Company's Treherbert Station for the accommodation of

A.D. 1890.

Treherbert and for the convenient interchange of passenger and coaching traffic between the systems of the Company and the Taff Vale Company and such joint station shall include all necessary road approaches and proper buildings offices platforms and works for such interchange.

3. The Taff Vale Company shall from time to time upon the request in writing of the Company under the hand of their secretary pay to the Company one half of all expenses which shall for the time being be certified by the engineers of the Company and the Taff Vale Company to have been incurred in and about the construction of the said railways and works and for the purposes thereof and all other expenses incurred by the Company in connexion with such construction and the purchase of land for the purposes of such railways and works the amount of such expenses to be determined in case of difference by arbitration in manner herein-after provided and in case any sum which ought to have been paid by the Taff Vale Company to the Company under or by virtue of this section shall be in arrear for twenty-eight days after payment thereof has been requested by the Company in manner afore-said the amount in arrear shall while in arrear bear interest at the rate of four per cent. per annum and any such sum together with the interest thereon if any shall be a debt owing by the Taff Vale Company and shall be recoverable by action or any other appropriate remedy.
4. Any additional works from time to time required for the accommodation of the traffic of the said joint station shall be constructed in accordance with the provisions of this section with respect to the construction of the said railway and works.
5. The Taff Vale Company may apply their funds or any moneys which they have power to raise and which may not be made applicable to any special purpose or being so made applicable may not be required therefor to the purposes aforesaid.
6. The maintenance of the said railways and works and the management of the working of the traffic thereon when the same shall have been constructed and opened for traffic shall be vested in the joint committee appointed as herein-after provided and such committee shall have and may exercise all powers rights and privileges with respect to such maintenance and management which if the said railways and works were under the sole control and management of the Company might have been exercised by the Company in connexion

therewith provided that any contract made by the joint committee which if made by the Company ought to be made under seal shall be valid and effectual if made in the name of the joint committee under the hands of the chairman of the meeting of the committee when such contract was signed and two other members of the committee present at such meeting. A.D. 1890.

7. Before the opening of the railways and works for public use the Company and the Taff Vale Company shall each nominate and appoint in writing under the hands of their respective chairman and secretary three persons to be members of the joint committee and such six persons shall form the joint committee and shall remain in office one year and their places shall be filled or they may be re-appointed by the same means by which the original appointments were made.
8. The Company or the Taff Vale Company may from time to time in like manner at any time remove the members or any of the members of the joint committee so nominated by them respectively and may in like manner respectively fill up any vacancies occurring among such members by removal or death or resignation and no act of the joint committee shall be invalidated because of any alleged or real want of authority on the part of the said chairman or secretary to sign such appointment or by reason that the full number of the said committee shall not have been appointed to be in office.
9. The joint committee shall hold its meetings at such place as it may from time to time determine and four shall be a quorum thereof and the chairman of such meeting shall be elected alternately from the members representing each of the said companies if any such member be present at the commencement of such meeting and unless otherwise unanimously agreed on at any such meeting and (subject to the next following enactment) the proceedings of the joint committee shall be determined by a majority of the persons present and voting the chairman having only his original vote and no casting vote.
10. The joint committee shall at their first meeting in every year appoint some person as arbitrator for the ensuing year and if any question shall at any time arise in the said committee concerning which question all the members present representing the one company differ from all the members present

A.D. 1890.

representing the other Company the matter in difference shall if so desired by the member or members present representing either company be from time to time referred to the said arbitrator or in default of the appointment of such arbitrator by the committee then to an arbitrator to be nominated by the Board of Trade on the application of either of the companies and the arbitrator may on application made to him by the members of the committee representing either of the said companies attend at any meeting of the joint committee and summarily decide any such matter of difference and every award or decision of such arbitrator shall be final with respect to the matters submitted to him and the said committee or the Board of Trade as the case may be may fix the remuneration to be paid to such arbitrator. Provided always that if any matter which may have been referred to the arbitrator shall be left undecided by him at the expiration of his year of office the same shall be decided by the said arbitrator and his decision shall be binding although he may no longer fill the said office.

11. The committee shall have the direction and management of the working of the traffic upon the said joint railways and works and may appoint remunerate and at their pleasure remove such officers clerks and servants as shall be needful for the purposes thereof and shall cause proper books of account to be kept containing accurate statements of the receipts and expenditure of the joint committee in respect of the railways and works or connected with the traffic thereon as well as books in which shall be entered the minutes of all proceedings at every meeting of such committee and such statements shall show separately (a) all receipts in respect of traffic arising or terminating on the said railways and works and destined for or coming from places on or beyond the system of the Company and (b) all receipts in respect of traffic arising or terminating on the said railways and works and destined for or coming from places on the system of the Taff Vale Company and (c) all receipts or revenue of the joint committee not arising under (a) or (b). All receipts arising in respect of traffic (a) above mentioned shall be credited to the Company and all receipts in respect of traffic (b) above mentioned shall be credited to the Taff Vale Company and all receipts and revenue (c) above mentioned shall be credited equally between the Company and the Taff Vale Company.

12. All through traffic (except passenger and coaching traffic and traffic conveyed at passenger rates by passenger trains) shall be exchanged at the existing junction between the railways of the Company and the Taff Vale Company north of Treherbert. A.D. 1890.
13. For the purpose of ascertaining the proportions respectively due to the Company and the Taff Vale Company of the receipts in respect of through traffic passing over the said railways each of the said companies shall be deemed to own one half of such railways.
14. All expenditure of the joint committee shall be borne by the Company and the Taff Vale Company in proportion to the traffic of such companies respectively using the said railways and works and a statement of the expenditure of the joint committee shall be delivered to each of the two companies monthly and each of the said two companies shall from time to time upon demand thereof by the joint committee pay to the said committee the amount declared by them due from the said company whether in anticipation of future payments or in liquidation of payments already made and the amounts so due if unpaid for twenty-eight days after demand thereof in writing shall bear interest after the rate of 4 per cent. per annum while in arrear and such amount together with the interest thereon shall be a debt due from the company in default and may be recovered either by action of debt or by any other appropriate remedy and for the purpose of recovering any such sum the secretary for the time being of the joint committee in his own name on behalf of the said committee or the company which has paid its share may sue the company in default and it shall be sufficient to aver that the sum claimed has been declared by the joint committee or the arbitrator to be due from the company sued and the production of the minute books of the said committee containing such declaration or the award of the arbitrator as the case may be shall be sufficient evidence of the averment.
15. The Company and the Taff Vale Company may at their own expense respectively provide for or construct any further works and conveniences in connexion with the said railways and works which they may think necessary for the accommodation of their own traffic or traffic requiring to pass on to their systems respectively provided that neither company shall for the purposes of such works interfere with the said

A.D. 1890.

railways and works or the station thereon or the convenient user thereof except at such places and in such manner as shall be approved by the joint committee and any expense of working and maintaining any works so constructed shall unless otherwise agreed be borne by the company constructing them.

16. Subject to the provisions of this section and to the payments respectively due from them and to the regulations for the time being of the joint committee with respect to the working of the said railways and works each company shall have the same rights over and in respect of the said railways and works as if they were an integral part of their system of railways and may demand and take thereon in respect of their own traffic of every description so using the same the tolls rates and charges which they are or may for the time being be entitled to receive in respect of traffic conveyed on their railways respectively.
17. All actions suits indictments and other proceedings at law or in equity which might have been brought and prosecuted by or against the Company or the Taff Vale Company if they solely worked and managed the said railways and works may as regards any act or default of the joint committee in relation to the same or any part thereof be brought and prosecuted by or against the said committee and any summons demand writ notice or other proceeding at law or in equity or otherwise relating in any manner to the said railways and works or to any act or default of the said committee shall if served on the secretary or if left at or transmitted by post to the principal office of the committee or of either of the two companies be valid and effectual and any such action suit indictment or proceeding by the joint committee may be instituted or brought in the name of the secretary of the joint committee on behalf of the joint committee.
18. The provisions of section 100 with respect to personal liability of directors and of sections 109 to 114 with respect to accountability of officers of the Company of the Companies Clauses Consolidation Act 1845 shall extend and apply to the members of the joint committee and the officers appointed by them and for the purposes of this section the expressions "the Company" and "director" in those sections shall respectively mean "the joint committee" and "member of the joint committee."

19. All differences arising between the Company and the Taff A.D. 1890.

Vale Company in any way relating to the subject matters of this section and not being a difference which in accordance with this Act is to be determined by the joint committee or the standing arbitrator shall be determined by a single arbitrator to be appointed in case of difference by the Board of Trade and except as varied by this section all the provisions of the Railway Companies Arbitration Act 1859 shall have effect with regard to such arbitration and the same shall be deemed an arbitration under that Act.

32.—(1.) In constructing and using Railway No. 4 the Company shall not interfere more than may be reasonably necessary with the siding leading to the Rhondda Merthyr Colliery and shall cross the same in the manner shown on the deposited plans and sections and shall maintain the said crossing so as to permit of the free passage of traffic to and from collieries on the Tynewydd property from and to the Taff Vale Railway and such traffic shall always have precedence over the traffic upon Railway No. 4 other than passenger trains which shall have precedence of all traffic along the said siding.

For the protection of the Marquess of Bute his lessees and tenants.

(2.) The expense of constructing all signals crossing-gates and other appliances connected with the crossing of the said siding by Railway No. 4 shall be defrayed by the Company and the same shall be maintained and worked by the joint committee.

(3.) In the working of traffic over the said siding the traffic along Railway No. 4 shall not be interfered with more than is necessary and such siding shall be worked subject to such reasonable regulations with respect to traffic crossing Railway No. 4 as the joint committee may from time to time prescribe for the prevention of danger or interference with traffic on Railway No. 4.

(4.) In the event of dispute as to such regulations or otherwise arising out of the provisions of this section the same shall be settled by an arbitrator to be agreed upon by the parties in difference or failing agreement to be nominated by the Board of Trade on the application of either party and the decision of such arbitrator shall be final and the costs of such arbitration shall be in the discretion of such arbitrator.

33. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised by any previous Act to raise by shares or stock debenture stock or borrowing and which are not by that Act made applicable to any special purposes or which being so made applicable are not required for such special purposes.

Power to apply funds.

A.D. 1890.

Power to
raise addi-
tional capital.

34. The Company (in addition to any capital which they are by any other Act authorised to raise) may from time to time for the purposes of this Act and other the general purposes of the Company (being in any case purposes to which capital is properly applicable) raise by the creation and issue of new ordinary or new preference shares or stock or partly by ordinary and partly by preference shares or stock any sum or sums not exceeding sixty-six thousand pounds. Provided that the dividend on any such preference shares or stock shall not exceed the rate of six pounds per centum per annum.

Shares not to
be issued
until one
fifth paid.

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

Except as
otherwise
provided
new shares
or stock to
be subject to
the same
incidents as
other shares
or stock.

36. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on
new shares
or stock.

37. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

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

38. 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.

39. The Company may in respect of the additional capital of sixty-six thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-two thousand pounds and of that sum they may from time to time borrow any sums not exceeding eleven thousand pounds in respect of each thirty-three

thousand pounds of their capital but no part of any such sums of eleven thousand pounds shall be borrowed until shares for so much of the portion of additional capital in respect of which it is to be borrowed 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 so much of such portion of additional capital as is to be raised by means of shares 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 portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for such portion of the said sum of thirty-three thousand pounds of additional 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 and accepted 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 so far as the said additional capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

A.D. 1890.

40. The principal moneys secured by all mortgages granted by the Company before the passing of this Act and subsisting at the passing hereof shall during their continuance have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Existing mortgages to have priority.

41. The provisions of the Act of 1885 as to the appointment of a receiver are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

Repealing provisions as to appointment of a receiver.

42. 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 one tenth of the amount for the time being owing by the Company upon mortgage.

For appointment of a receiver.

A.D. 1890.

Debenture
stock.

43. The Company may create and issue debenture stock subject to the provisions of section 22 of the Act of 1882 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock granted or issued after the passing of this Act.

Application
of money.

44. All moneys by this Act authorised to be raised by shares or stock or debenture stock or by borrowing shall be applied only for the purposes of this Act and to the general purposes of the undertaking of the Company being in either case purposes to which capital is properly applicable.

Works below
high-water
mark not to
be com-
menced with-
out consent
of Board of
Trade.

45. The Company shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Saving
rights of the
Crown in the
foreshore.

46. 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.

Interest not
to be paid on
calls paid up.

47. No interest or dividend shall be paid out of any money by this Act authorised to be raised to any shareholder on the amount

of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. A.D. 1890.

48. 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.

49. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels now authorised to be taken by the Company. Provision as to general Railway Acts.

50. 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.

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

The SCHEDULES referred to in the foregoing Act.

The FIRST SCHEDULE.

Describing lands and buildings of which portions only are required by the Company.

Parish of	Nos. on deposited Plan.
Ystradyfodwg - - -	94 107 108 111 112 113 113a 130 130a 132 132a.
Margam - - -	5 12 16a 17 20.
Aberavon - - -	9 19.
Michaelston-super-Avon - -	1 3 4 6 7 10 12 13.

The SECOND SCHEDULE.

AN AGREEMENT dated the 12th day of March 1890 between the Swansea Harbour Trustees of the one part and the Rhondda and Swansea Bay Railway Company of the other part.

Whereas the Swansea Harbour Trustees (herein-after called "the trustees") under the authority of Parliament are the owners of amongst other docks the Prince of Wales' Dock at Swansea and the locks gates cranes railways sidings works and conveniences connected therewith:

And whereas the Rhondda and Swansea Bay Railway Company (herein-after called "the Company") are the owners of the Rhondda and Swansea Bay Railway the Swansea section of which terminates by a junction with the railway of the trustees leading to the said Prince of Wales' Dock:

And whereas the Company have applied to the trustees for a lease of the wharf and land herein-after mentioned which the trustees have agreed to grant upon the terms and conditions herein-after contained:

Now these presents witness and it is hereby agreed as follows:—

1. The trustees will grant and the Company will accept subject to the reservations herein-after mentioned a lease of:—

First. The wharf or quay frontage situate on the northern side of the said dock and the land for sidings in the rear thereof respectively edged red on the plan annexed hereto the said wharf or quay frontage being 400 feet in length and in depth from the face of the quay wall 80 feet.

[53 & 54 VICT.] *Rhondda and Swansea Bay Railway* [Ch. cxlv.]
Act, 1890.

Secondly. Liberty and power for the Company should they think A.D. 1890.
fit to make and erect a jetty extending from the quay wall of the
said wharf into the said dock at or near the point marked A on
the said plan such jetty not to project more than 50 feet from
the said quay wall and not to exceed 25 feet in width.

2. The lease shall commence as from the 1st day of January last and shall continue in perpetuity.
3. The Company shall pay the trustees annually by way of rent for the said wharf and land the sum of 1,600*l.* and for the said jetty if made the sum of 200*l.* the said rents respectively to be paid half-yearly on the 1st day of July and the 1st day of January in every year. The first half-yearly payment of the said rent of 1,600*l.* to be made on the 1st day of July 1890 and the first half-yearly payment of the said rent of 200*l.* or a proportionate part thereof to be made on such one of the said half-yearly days as shall happen next after the expiration of twelve months after the construction of the said jetty shall have been commenced.
4. The Company shall have the exclusive right to berth ships and vessels alongside the said wharf or quay frontage and the said jetty in a single tier broadside on and to levy and receive all wharfage rates and tipping and other charges in respect both of the said wharf or quay frontage jetty and land.
5. The Company shall be at liberty to construct and erect upon the said wharf and land first herein-before described and upon the said jetty if made and from time to time to alter vary and remove such tips machinery lines of railway sidings works buildings and conveniences as may be necessary so as to enable the Company fully to utilize the said wharf or quay frontage jetty and land for all purposes in connexion with their business subject to the reasonable approval and satisfaction of the engineer of the trustees and in case of any difference between the trustees and the Company the same shall be referred to arbitration.
6. The trustees shall make maintain work and signal such and so many junctions between the said land edged red and the main lines and sidings of the trustees as may be necessary and in case of any difference between the trustees and the Company as to the number of such junctions the same shall be decided by arbitration. If in the construction by the Company of sidings from the trustees' lines to the said wharf it shall be found desirable to vary the same from the position now laid down the trustees and the Company shall be empowered to make such arrangements with respect to "land for sidings" as may be agreed on between the trustees and the Company.
7. The said jetty shall if made be constructed under the direction and in all respects to the reasonable satisfaction of the trustees' engineer for the time being and the construction thereof shall if commenced be proceeded with continuously and with despatch. The Company shall make good any damage which may be caused to the quay wall or the dock in the erection of the said jetty and indemnify the trustees

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

against all claims and demands costs damages and expenses which may be made against them or to which they may be put by reason of the erection of the said jetty or of the works connected therewith.

8. The Company shall not assign underlet or part with the possession of the said wharf or land or any part thereof or the said jetty without the consent in writing of the trustees unless such consent shall be arbitrarily or unreasonably withheld. And it is hereby expressly agreed that such consent as aforesaid shall not be withheld to an assignment or underlease of all the said premises and the full benefit of this agreement to any company corporation body or person or persons to or in whom the undertaking of the Company shall by the authority of Parliament or otherwise be transferred or become vested.
9. During the continuance of the lease the trustees shall maintain at their own expense the said dock and the waterway leading thereto and the water in the said dock adjoining the said wharf or quay frontage (the inner sill of the lock being maintained at a depth of not less than 26 feet and the sill of the basin entrance at a depth of not less than 28 feet below the level of high-water ordinary spring tides high-water level ordinary spring tides being taken as five feet below the coping of the entrance to the North Dock Lock Swansea Harbour) and also all walls approaches and lines of rails belonging to them together with the said wharf and all locks quay walls and other works conveniences and appliances which may be necessary for the full and efficient maintenance and working of the said dock and the accommodation of shipping and traffic passing to or from the same and for the enjoyment by the Company of the land edged red on the said plan and the Company shall maintain at their own expense all works tips machinery lines of railway sidings buildings and conveniences erected or made by them.
10. The trustees reserve to themselves the right to erect fix and maintain in or on the said wharf or quay frontage and jetty such mooring-posts rings lamp-posts electric wires and other devices and such hydraulic gas water and other pipes machinery and other conveniences as may be necessary for the proper and convenient working of the said dock or any other dock of the trustees and to maintain in on and along the part of the said wharf or quay frontage hatched red on the said plan the two lines of rails and the roadway respectively shown on the same plan. And also free liberty at all times to their officers and servants and all other persons lawfully engaged in working or using the said dock to pass and repass over and along the margin of the said wharf or quay frontage and jetty such margin not to exceed eight feet in width. And also free liberty at all times to their officers and servants and all other persons lawfully working or using the said dock with carriages waggons engines and horses and for all purposes to pass and repass over the part of the said wharf or quay frontage hatched red on the said plan but the Company shall not be inconvenienced in the conduct of their business or the enjoyment of the said wharf or quay frontage to any greater extent than may be unavoidable and in case

of difference as to the reasonable exercise by the trustees of the rights and liberty so reserved the same to be referred to arbitration. A.D. 1890.

11. The trustees shall maintain watch and signal at their own expense during the continuance of the lease the main lines of rails coloured green the four lines of main sidings coloured yellow and the lines of rails coloured blue respectively on the said plan and the Company shall at all times have the use in common with the trustees and other persons entitled to use and subject to any leases or agreements already entered into by the trustees affecting the same of the said main lines of rails coloured green and of the four lines of main sidings coloured yellow free of charge and of the lines of rails coloured blue at the lowest charge from time to time made to any other company or trader for similar accommodation.
12. The Company shall be at liberty to lay down and place in through over or upon the said wharf or quay frontage and land edged red such hydraulic and other pipes and machinery as may be necessary or convenient to enable the traffic of the Company to be worked with economy and despatch And the trustees shall from time to time afford to the Company all necessary facilities for the construction and repair of the said pipes and machinery And the Company may from time to time require the trustees and the trustees shall upon receiving six months' notice from the Company requiring them so to do supply at a reasonable price (such price in case of difference to be settled by arbitration) all water that may be required for working the said machinery or in connexion therewith Provided always that during the time the trustees supply water to work the said machinery the Company shall keep such machinery in a sufficient state of repair to prevent undue waste.
13. The trustees shall not let any land or quay space at the said dock to any other railway company and shall effectually prevent any company firm or person subletting any land or quay space to any other railway company on more favourable terms than those made with the Company and shall not levy or charge in respect of vessels or goods using or loaded or unloaded at the said wharf or quay frontage or jetty any higher dues or rates than they shall for the time being charge or levy in respect of similar vessels or goods using or loaded or unloaded at any other wharf or quay frontage of the said dock let to any other railway company but nothing in this clause shall affect any lease or agreement already entered into by the trustees.
14. All usual and necessary clauses to be inserted in the lease to carry out the arrangements hereby agreed to.
15. All differences (if any) which shall arise between the trustees on the one hand and the Company on the other hand with respect to this agreement or the lease or any of the subject matters thereof respectively or otherwise relating thereto shall except where otherwise provided for be referred to arbitration and provision for the purpose shall be made by the lease and the arbitration shall be as nearly as may be

[Ch. cxlv.] *Rhondda and Swansea Bay Railway* [53 & 54 VICT.]
Act, 1890.

A.D. 1890.

in accordance with the Railway Companies Arbitration Act 1859 and for every such purpose the trustees shall be deemed to be a railway company.

In witness whereof the Swansea Harbour Trustees and the Rhondda and Swansea Bay Railway Company have respectively hereunto set their common seal the day and year first above written.

H. S. LUDLOW
Secretary.

Seal of the
Rhondda and
Swansea Bay
Railway Co.

T. N. TALFOURD STRICK
Clerk to the Trustees.

Seal of
the Swansea
Harbour
Trustees.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
ADAM AND CHARLES BLACK, 6, NORTH BRIDGE, EDINBURGH; or
HODGES, FIGGIS, & Co., 104, GRAFTON STREET, DUBLIN.