



CHAPTER lxxiv.

An Act to confer Further Powers upon the Rhondda and Swansea Bay Railway Company and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS by the Rhondda and Swansea Bay Railway Act 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 for the purpose of affording a means of railway communication between the Rhondda Valley and Swansea and other ports in Swansea Bay :

And whereas by various subsequent Acts the powers of the Company have been from time to time extended and further powers have been conferred upon them :

And whereas the construction of the railways by this Act authorised would be of public and local advantage and it is expedient that the powers in that behalf contained in this Act be conferred upon the Company :

And whereas it is expedient that the Company be authorised to raise additional capital and borrow further money for the purposes of this Act :

And whereas the Port Talbot Company incorporated by the Act 4 William IV. cap. xliii. amended by the Act 6 & 7 William IV. cap. xcvi. are the owners of the Port Talbot Dock at Port Talbot to which the railways of the Company afford access and the improvement thereof and the development of the trade thereat would be to the advantage of the Company and it is expedient that the Company be authorised to contribute towards that undertaking :

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

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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 hereinafter respectively referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Rhondda and Swansea Bay Railway Act 1893.

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 non-payment 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 Consolidation Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 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.

Interpretation.

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 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.

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4. Subject to the provisions of this Act the Company may make and maintain the following railways in the lines or situations and according to the levels respectively shown on the deposited plans and sections 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 hereinbefore 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) 2 miles 1 furlong and 4 chains or thereabouts in length commencing by a junction with the Company's Railway No. 3 authorised by the Rhondda and Swansea Bay Railway Act 1890 (hereinafter referred to as "the Act of 1890") and terminating by a junction with the Company's Railway No. 1 authorised by the Rhondda and Swansea Bay Railway Act 1891 (hereinafter referred to as "the Act of 1891") as proposed to be laid out in the field numbered on the Ordnance map (scale 1-2500) 27 in the parish of Baglan:

A Railway (on the deposited plans referred to as Railway No. 3) 1 furlong and 8.75 chains or thereabouts in length being that part of the Railway No. 3 shown on the deposited plans which lies between the distance of one mile marked on those plans and the termination of the said railway as shown on the said plans at or near and to the southward of the bridge carrying the Swansea and Neath Railway of the Great Western Railway Company over the New Cut:

But the Company shall not construct Railway No. 3 or enter upon take or use or acquire an easement in or over any lands belonging to the Swansea Harbour Trustees without the previous consent in writing of the said trustees under their common seal.

5. Notwithstanding anything in the Railways Clauses Consolidation Act 1845 the Company may in constructing the Railway No. 3 by this Act authorised with the consent of the Swansea Harbour Trustees deviate vertically from the levels of that railway shown on the deposited sections and with such consent as aforesaid laterally upon lands of the said trustees from the lines thereof shown on the deposited plans to such extent as may be necessary or convenient for accommodating or forming junctions with any of the railways of the said trustees:

Powers of
deviation.

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Provided that the Company shall make full satisfaction to all parties interested for any damage sustained by them respectively by reason of any deviation under the powers of this section to a greater extent than is authorised by the Railways Clauses Consolidation Act 1845 :

Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Restriction
on taking
houses of
labouring
class.

6. 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 on the fifteenth day of December next before the passing of this Act were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers nor except with the consent of the Local Government Board ten or more houses in any city borough or urban sanitary district or any parish or part of a parish which were not so occupied on the said fifteenth day of December but have subsequently been so occupied.

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 seryants 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.

Period for
compulsory
purchase of
lands.

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

Lands for
extra-
ordinary
purposes.

8. The quantity of land to be taken by the Company in connection with the works by this Act authorised for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed six acres but nothing in that Act or in this Act shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

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

9. 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 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 that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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10. The agreement between the Glamorganshire County Council and the Company a copy of which is set forth in the Second Schedule to this Act annexed is hereby confirmed and made binding on the parties thereto respectively.

Confirming
agreement.
with Gla-
morgan
County
Council.

11. If the 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.

Period for
completion
of works.

12. 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 the said railways are completed and opened as regards Railway No. 1 for goods traffic and as regards Railway No. 3 for the public conveyance of passengers 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 or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 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 hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were 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.

Penalty
imposed
unless the
railways
are opened
within the
time limited.

13. 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

Application
of penalty.

A.D. 1893. 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 connection with the said 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 if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Tolls on
railways.

14. The railways by this Act authorised shall for all purposes whatsoever be deemed to be part of the railway undertaking of the Company And for the use of the railways and for the conveyance of passengers and parcels by passenger train thereon other than small parcels of perishable merchandize the Company may demand and take the tolls rates and charges authorised by the Rhondda and Swansea Bay Railway Act 1882 The classification of merchandize traffic and the schedule of maximum rates and charges annexed to the Railway Rates and Charges No. 18 (Taff Vale Railway &c.) Order 1892 and the regulations and provisions contained therein shall be applicable and apply to the railways by this Act authorised as part of the railways of the Company.

Subscrip-
tion to un-
dertaking
of Port
Talbot
Company.

15. The Company with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may in their own name from time to time subscribe for and take shares in or by lending money or subscribing for or taking debenture stock contribute funds towards the undertaking of the Port Talbot Company to such amount as may be agreed between that Company and the Company not exceeding twenty-five thousand pounds Provided always that the Company shall not sell transfer or dispose of any shares or stock so held by them.

The Company shall in respect of any shares in the Port Talbot Company held by them in virtue of such subscription have all the powers rights and privileges (except in regard to voting at general meetings which shall be as hereinafter provided) and be subject to all the obligations and liabilities of proprietors of shares in that Company.

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The Company when they have become shareholders in the Port Talbot Company may by writing under their common seal from time to time appoint some person to attend any meeting of that company and such person shall have all the privileges and powers attaching to other shareholders at such meetings and shall be entitled to one vote in respect of every one hundred pounds of the capital so held by the Company.

Every such appointment by the Company of any person to vote on their behalf shall be delivered to the Port Talbot Company and kept with their records and shall be at all reasonable times open to the inspection and transcription of all parties interested and every such instrument shall as between the Company and the Port Talbot Company be sufficient evidence of the facts therein stated.

16. 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.

17. 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 forty-five 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.

Power to raise additional capital.

18. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share or stock 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 or the whole of such stock shall be paid in respect thereof.

Shares not to be issued until one-fifth paid.

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

Dividends on new shares or stock.

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

Power to borrow.

19. 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.

20. 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.

21. 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.

22. The Company may in respect of the additional capital of forty-five 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 fifteen thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital 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 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for so much of the said 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.

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23. The provisions of the Rhondda and Swansea Bay Railway Act 1892 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.

24. 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.

For appointment of a receiver.

25. The Company may create and issue debenture stock subject to the provisions of section 22 of the Rhondda and Swansea Bay Railway Act 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.

Debenture stock.

26. 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 every case purposes to which capital is properly applicable.

Application of money.

27. And whereas the Company have from time to time purchased or acquired lands adjoining or near to their railway but which lands are not immediately required for the purposes of their undertaking and it is expedient that the Company should be relieved from the obligation under certain circumstances to sell the same as superfluous lands:

Provision with respect to superfluous lands of the Company.

Therefore nothing in the Lands Clauses Consolidation Act 1845 or any Act relating to the Company with which that Act is incorporated with respect to the sale of superfluous lands shall until the expiration of ten years from the passing of this Act be held to apply to any lands and the appurtenances thereto acquired by the Company in the parishes enumerated in the First Schedule to this Act annexed any part of which lands adjoins the Company's railway or is situate within one mile measured along the railway of any station belonging to the Company or which may be required for the purposes of the

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undertaking of the Company And the Company may during the same period of ten years from the passing of this Act continue to hold such lands and appurtenances although not immediately required for the purposes of their undertaking But they shall at the expiration of such period of ten years sell and dispose of all such parts of such lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

Works
below high
water mark
not to be
commenced
without
consent of
Board of
Trade.

28. The Company shall not under the powers of this Act 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 reflows 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 costs and charges 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.

29. 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.

30. 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. 1893.

31. 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.

32. 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.

3. 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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SCHEDULES referred to in the foregoing Act.**THE FIRST SCHEDULE.****SUPERFLUOUS LANDS OF COMPANY.**

Parishes in which situate.
Margam. Michaelston-super-Avon. Llangynwyd. Glyncoirwg. Ystrad-y-fodwg. Swansea (Hamlet of St. Thomas.)

THE SECOND SCHEDULE.

AN AGREEMENT made the thirteenth day of May 1893 between the Glamorgan County Council (hereinafter called "the Council") of the one part and the Rhondda and Swansea Bay Railway Company (hereinafter called "the Company") of the other part.

Whereas the Company are promoting a Bill in the present Session of Parliament intituled "A Bill to confer further powers upon the Rhondda and Swansea Bay Railway Company and for other purposes":

And whereas the Council have petitioned against the said Bill but have agreed with the Company to withdraw their opposition on the terms hereinafter

stated: Now these Presents witness and it is hereby agreed between the Council and the Company as follows:— A.D. 1893.

1. The Company shall concurrently with the construction of Railway No. 1 proposed to be authorised by the Bill execute the following works in connection with the road which crosses their railway on the level at Aberavon (that is to say):—

(a.) They shall widen on both sides the bridge which carries the said road across the river Afon so as to make the same of a clear mean width throughout between the parapets of not less than 36 feet:

(b.) They shall widen the said road between the points marked A. and B. on the plan hereunto annexed so that the same shall have a clear mean width throughout of not less than 36 feet:

(c.) They shall erect new gates at the said level crossing and a new footbridge over the railway in lieu of the existing bridge in such a manner as to allow of the said road being widened throughout as aforesaid:

(d.) They shall pave curb and channel the said road between the said points A. and B. and shall construct foot pavements on each side thereof 6 feet in width exclusive of channelling and the roadway shall be 24 feet in width inclusive of channelling and the Company shall lay down proper set pitching between the rails at the said level crossing:

2. All the said works hereby agreed to be executed and constructed by the Company shall be carried out by them and be subsequently maintained by them at their own expense in a workmanlike and substantial manner and to the entire satisfaction of the Roads and Bridges Committee of the Council and their surveyor.

3. The Company shall as far as possible avoid the impeding of the traffic along the said road and nothing herein nor in the intended Act contained shall prejudice or prevent the Council from applying to the Board of Trade under the Railways Clauses Act 1863 to direct (in the event of the traffic on the said road being unduly impeded by the Company) that a bridge should be made across the railway in lieu of the said level crossing of the full width of 36 feet between the parapets.

4. The Council shall and will so far as they have power so to do afford to the Company all necessary facilities for acquiring the necessary lands at the expense of the Company for the purposes of the widening of the said bridge and shall and will exercise all necessary powers and afford all necessary facilities for giving effect to the foregoing provisions of this Agreement.

5. The said widenings and works shall be completed before the said Railway No. 1 is opened for traffic and if the Company make default in completing the said widenings and works in accordance with this Agreement it shall be lawful for the Council to complete the same and in that event the Company shall pay to the Council the sum of 3,000*l* and all expenses incurred by the Council in acquiring the necessary land for the purposes aforesaid.

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6. On the sealing of this Agreement by the Company and in consideration of the covenants and agreements by the Company hereinbefore contained the Council will cause their petition against the said Bill to be withdrawn.

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

The common seal of the Glamorgan County Council was hereunto affixed in the presence of

L.S.

WM. SPICKEN

A member of the County Council.

W. E. R. ALLEN

Deputy Clerk.

The seal of the Rhondda and Swansea Bay Railway Company was hereunto affixed in the presence of

L.S.

H. S. LUDLOW

Secretary.

Printed by EYRE and SPOTTISWOODE,

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

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